



HAMPDEN TOWN COUNCIL WORKSHOP
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

MARCH 22, 2021

6:00 P.M.

- A. CALL TO ORDER
- B. UNFINISHED BUSINESS
- C. NEW BUSINESS
 - a. Discussion on Town Revaluation – Ben Birch
 - b. Discussion on LCWF Grant Cycle, *requested by Amy Ryder, Economic Development Director*
 - c. Discussion on Strategic Planning with Water District, *requested by Mayor Wright*
 - d. Discussion on Town Charter Absentee Policy, *requested by Councilor Jarvi*
 - e. Consideration on American with Disabilities Act Preservation Resolution
 - f. Consideration on Recycling Reform for Maine Resolution
- D. ADJOURNMENT

Note: Council will take a five-minute recess at 8:00 p.m.

FOR THOSE THAT WISH TO PARTICIPATE IN THE
REMOTE HAMPDEN COUNCIL WORKSHOP
MEETING ON MARCH 22, 2021, AT 6:00 PM
YOU MAY PHONE IN USING THE FOLLOWING
NUMBER (FOLLOWED BY THE PIN #)

1-669-220-6284 PIN 279 229 631#

OR-

FROM A LAPTOP OR A DESKTOP, YOU MAY GO
TO THIS URL: [https://meet.google.com/
msn-zccq-gwm?hs=122&authuser=0](https://meet.google.com/msn-zccq-gwm?hs=122&authuser=0) AND JOIN
US THAT WAY

**INSTRUCTIONS ARE POSTED WITH THE AGENDA
AND SEPARATELY ON THE TOWN CALENDAR AT
WWW.HAMPDENMAINE.GOV**

Using Google Meet to Participate in Hampden Town Council Remote Meetings

How to join:

1. Town Council members will receive an email or a Google Calendar Invite with a link to join the meeting.
2. People interested in joining will need to go to the link posted on the town events calendar at www.hampdenmaine.gov.
3. Anyone can also join for audio-only participation by calling the number provided on the town events calendar and then entering the PIN provided followed by the # symbol.

Protocols for Remote Meetings:

1. Log in or call in at least 5 minutes before scheduled start of meeting.
2. For the audio portion, use either your phone or your computer microphone, not both.
3. Mute your phone or computer mic unless speaking. Remember to un-mute if you want to speak. To mute or unmute in Google Meet, click on the little microphone icon at the bottom of the screen; note you may need to move your mouse pointer around the bottom of your screen to get the bottom bar to appear.
4. Speak up if using a computer microphone or if using the speaker function on your telephone.
5. Do not rustle papers in front of your mic unless it's muted. Please minimize background noise.
6. If you're referring to a document, identify it including page or sheet number.
7. If using the video function, have a light source in front of you if possible. Try to avoid backlighting.
8. If you want to look good, have your camera mounted at eye level or above. Look at yourself on screen to check the lighting, camera position, what's in the background, etc. In Google Meet, you can do this "video check" when you open the program before you join the meeting.
9. If you are participating by audio only, identify yourself when speaking.
10. ALL votes will be by roll call.
11. After the meeting is adjourned, click on the red phone icon on the bottom bar to leave the meeting, or (obviously) just hang up the phone if that is how you are participating.

For detailed instructions on using Google Meet, please refer to their website:

support.google.com/a/users/answer/9282720?hl=en

C-a



Memorandum

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: March 17, 2021
RE: Presentation on revaluation

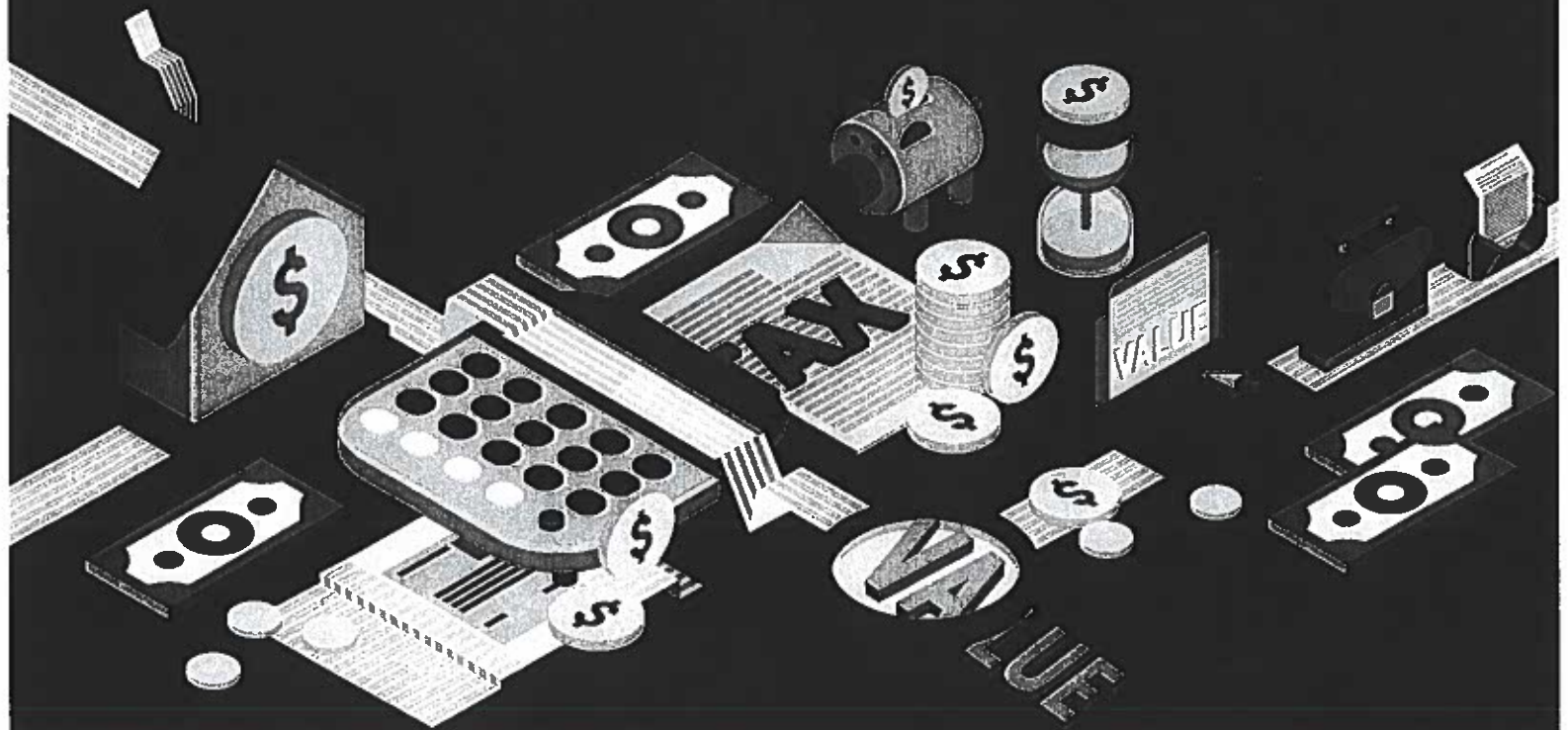
As a follow up to the discussion at Goals & Objectives regarding the need to revalue the Town and correct data, I have reached out to Ben Birch who is a Certified Maine Assessor and who is experienced with revaluations. I wanted an expert in the field to be able to explain the requirement and the need. Although we have included information in the packet regarding taxation, Mr. Birch with the assistance of our own Tax Assessor, will be presenting you with information and giving you an opportunity to ask questions.



IAAO

Understanding Your **ASSESSMENT**

A public information brochure provided by
The International Association of Assessing Officers



ARE YOU CONCERNED ABOUT YOUR PROPERTY TAXES?

To express your concern effectively, you must understand the two parts of the property tax system: VALUATION and TAXATION.

Your assessor's office estimates the value of your property; your taxing authority determines the amount your property will be taxed. It is the combination of these two parts that determines how much you will pay in taxes. This pamphlet deals with the first part—how the assessor's office estimates the value of your property.



WHAT IS THE ROLE OF THE ASSESSOR?

The assessor is responsible for estimating the value of your property, expressed as its taxable or assessed value. That assessed value determines the overall share of taxes you pay. Because your assessment affects your property taxes, it is important that your assessed value be accurate and fair. It is also important that you understand how the value of your property is estimated and what can cause it to change.

HOW IS YOUR PROPERTY VALUE ESTIMATED?

The assessor estimates the value of your property by first examining and collecting information on the physical characteristics of the property. For residential properties, physical characteristics include the square footage of land and improvements, the number of bedrooms and bathrooms in a home, whether or not the improvements include a garage, and the quantity and quality of amenities such as swimming pools and fireplaces. For income producing properties, the assessor estimates the amount of income the property can generate. On other properties, nonphysical characteristics such as easements can affect the value of improvements. Location also is a key characteristic affecting value. Using a mass appraisal system, the assessor analyzes sales, income, and cost data to arrive at an estimate of value. The assessor relies on sales, income or cost data to estimate the value. The assessor may find that particular properties cannot be analyzed effectively through mass appraisal methods and require individual appraisals.

WHAT CAUSES PROPERTY VALUES TO CHANGE?

A property's value can change for many reasons. The most obvious is that the physical characteristics of the property changes: a bedroom, garage, or swimming pool is added, or part of the property is destroyed by flood or fire. Sometimes, a change in use can affect the property's value, such as an apartment building being converted to condominiums. The most frequent cause of a change in value is a change in the market. If a town's major industry leaves, property values can decline. As neighborhoods are discovered by young home-buyers, prices gradually rise as properties are remodeled. A shortage of houses in a desirable neighborhood can send prices higher. A recession may cause more expensive home to stay on the market for a long time, while prices rise for more affordable homes. In a stable neighborhood with no extraordinary pressure from the market, inflation alone can increase property value.

Q: If assessed value rises, do taxes have to rise?

A: Not necessarily. That depends on how much in local property tax is needed or requested by local tax authorities.

Q: If assessed value falls, do taxes have to fall?

A: Not necessarily and for the same reason as given at left.

WHAT ARE THE GROUNDS FOR AN APPEAL?

If you believe the estimated value of your property is inaccurate, you will want to learn the following:

- How the assessor values property
- How to gather information about your property and similar properties
- How the appeal process works and the deadlines involved in that process

You also have a responsibility to furnish accurate information about your property to the assessor.

An assessment appeal is an attempt to prove that your property's estimated market value is either inaccurate or unfair. You may appeal when you can prove at least one of three things:

- Items that affect value are inaccurate on your property record. You have one bath, not two. You have a carport, not a garage. Your home has 1,600 square feet, not 2,000 square feet.
- The estimated market value is too high. You have evidence that similar properties have sold for less than the estimated market value of your property.
- The estimated market value of your property is accurate but inequitable because it is higher than the estimated value of similar properties in your neighborhood.

Note: All questions regarding tax rates and budgets must be addressed to the officials who determine budgets. However, the assessor's office can give you information about exemptions and other forms of relief.

THE APPEAL PROCESS—*Step-by-Step*

1 Procedures and Deadlines

When you receive your assessment notice, read it for instructions about deadlines and filing procedures. If they are not clear, call the assessor's office for information. Be sure you understand and follow instructions. A missed deadline or incorrect filing can cause an appeal to be dismissed.

2 Informal Review

The first step in an appeal is usually an informal meeting with someone in the assessor's office (sometimes this informal review is handled by telephone or mail or online). Information on the mechanics and deadlines for setting up an appointment should be included with your assessment notice, along with similar information for the entire appeal process.

The information in the assessor's office, including the property characteristics and assessments of similar properties, is public in most jurisdictions. This information can be helpful in preparing your appeal.

3 Preparation

Is the property description correct? If not, make sure all necessary corrections are made to the county record. Check the building square footage, the size of your lot, the construction materials, the condition, and all other features that have a bearing on value. Gather as much information as you can on similar properties.



4 The Meeting

The purpose of the informal review should be:

- To verify the information on your property record
- To make sure you understand how your value was estimated
- To discover if the value is fair compared with the values of similar properties in your neighborhood
- To find out if you qualify for any exemptions
- To be sure you understand the entire appeal process

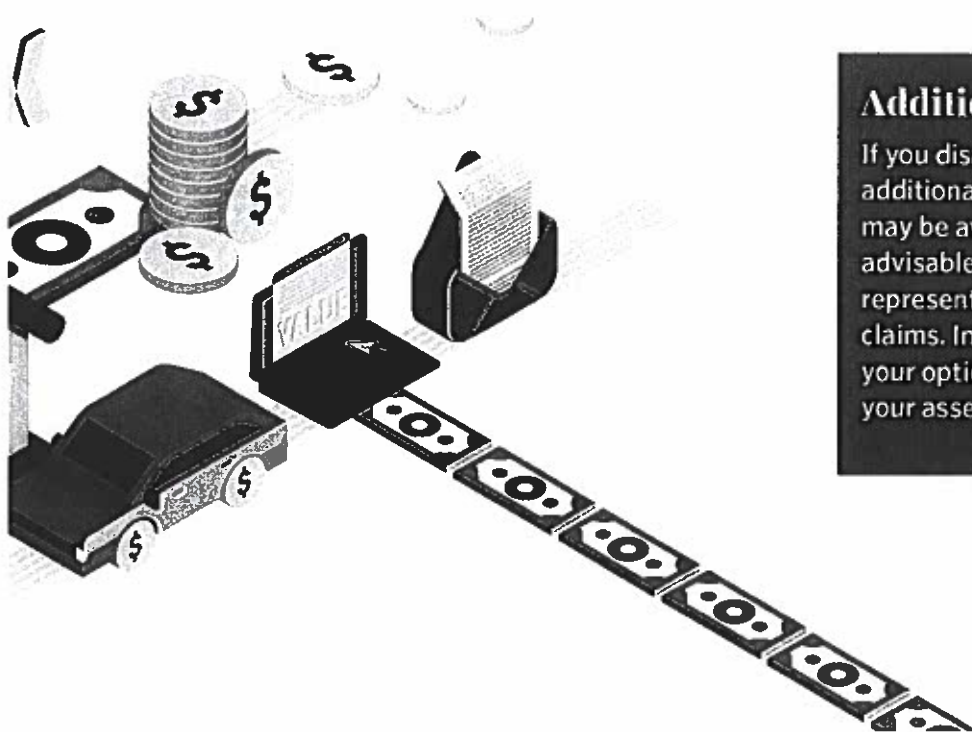
The person conducting the meeting should review your property record with you and give you information about comparable properties. Present any information you have gathered. The person conducting the meeting may not commit to a change in value at this meeting. Find out when you can expect to hear from the office. View the assessor's office as an ally, not an adversary. Employees of the office are trained to be calm, polite, and helpful. If you are calm and polite, they can concentrate on giving you the information you need for an appeal.



5 Formal Appeal

Many appeals are settled at the local level. If you are not satisfied with the results of your informal review, you have several more opportunities. The first level of formal appeal is usually to a local board. Your appeal is more likely to be successful if you present evidence that comparable properties in the same area are assessed for less than yours. Copies of property records on similar properties, with records of their estimated market values or sales prices, are your best defense. Note any differences between your property and the comparables and point out these differences. A recent appraisal of your own property can be good evidence of its value. The appeal board is interested only in the fairness and accuracy of the value placed on your property, not in whether you can afford to pay your taxes or whether taxes are too high.

You should be told when you can expect results from this level of appeal and to what and how many tax years the result will apply.



Additional Levels of Appeal

If you disagree with the local board's decision, additional administrative or legal remedies may be available. In some cases, it may be advisable for you to seek legal or professional representation in pursuing your claims. Information concerning your options is available from your assessor's office.



WHAT IS THE ROLE OF TAXING AUTHORITIES?

Governing bodies that have the authority to levy property taxes, such as cities and school districts, complete the property tax equation. Their decisions determine whether the overall property tax rises, falls, or stays the same. Subject to limitations set out in state statutes, these governing bodies establish annual budgets that form an important part of the tax calculation. The total of all budgets in a jurisdiction is divided by the total assessed value of all property in the jurisdiction to calculate the mill rate. That rate is then multiplied by the assessed value of your property to calculate your tax bill.

For example, suppose taxing authorities decide to raise \$1 million in property taxes and the assessor estimates the total assessed value of all taxable property in your community at \$100 million. The property tax rate would be calculated by dividing the amount of tax to be raised by the total assessed value:



$$\frac{\$1 \text{ million}}{\$100 \text{ million}} = 1\%$$



If your home's assessed value is **\$100,000**, your property tax bill will be:

$$1\% \times \$100,000 = \$1,000$$

For another example, suppose the total assessed value of your community doubles from \$100 million to \$200 million and the amount to be raised stays the same. The tax rate will be:



$$\frac{\$1 \text{ million}}{\$200 \text{ million}} = 0.5\%$$



Your taxes will remain the same, even though your home has doubled in value, will be the same:

$$0.5\% \times \$200,000 = \$1,000.$$

Sometimes, property owners are lucky enough to experience growth in the value of their properties while others remain the same or even fall. In these instances, property owners may experience higher taxes even if all other factors stay the same. For example, suppose your home doubles in value from \$100,000 to \$200,000 but the amount requested by the taxing authority remains the same at \$1 million and the total assessed value of your community remains the same at \$100 million. Then the tax rate will be:



$$\frac{\$1 \text{ million}}{\$100 \text{ million}} = 1\%$$



However, your taxes will increase from:

$$1\% \times \$100,000 = \$1,000 \text{ to } 1\% \times \$200,000 = \$2,000.$$

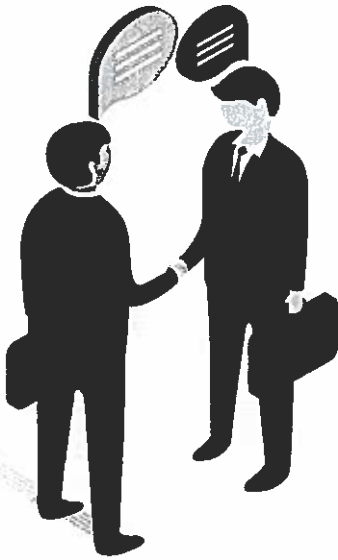
Assume the total assessed value in the jurisdiction doubles and the taxing authority decides to keep the mill rate the same at 1%. The total amount of taxes collected will double along with each tax bill.



$$\frac{\$2 \text{ million}}{\$200 \text{ million}} = 1\%$$



$$1\% \times \$200,000 = \$2,000.$$



QUESTIONS?

Your assessor is often the best source for answering questions concerning property valuation. In addition, many communities have taxpayer advocacy groups that can assist you. You can try consulting the International Association of Assessing Officers, an association of assessing officers from around the United States and the world.

**Was this
brochure
helpful?**

Send questions or comments to:
info@iaao.org

Find more information at:
www.iaao.org



About IAAO

The International Association of Assessing Officers is a global community of mass appraisal experts who promote excellence in property appraisal, assessment administration and property tax policy through professional development, research and standards.

314 W. 10th Street • Kansas City, MO • 64105-16616 • 800-616-IAAO (4226)

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TAX RELIEF

The following exemptions provide for local property tax relief. Applications are available at your town office or by contacting the Property Tax Division at 207-287-2013.

Veterans. A person must be a ME resident, 62 years or older and have served on active duty during a recognized war period or; be receiving 100% disability compensation for service connected injury.

Homestead. A person must be a ME resident and have owned and resided in that homestead for at least 12 months prior to date of application.

Blind. A person determined to be legally blind by a medical doctor.

Business Equipment Tax Exemption. For businesses that own qualified equipment placed in service after April 1, 2007.

The following Current Use Programs provide for a reduced valuation; however a penalty is assessed upon withdrawal from the program. Applications are available at your town office or by contacting the Property Tax Division at 207-287-2013.

Tree Growth. A parcel of land with at least 10 forested acres which are harvested for commercial purposes.

Farm Land. Property must have a minimum of 5 acres and produce an income from agricultural use.

Open Space. No minimum acreage but the parcel must be undeveloped and provide a public benefit.

Working Waterfront. No minimum acreage but the parcel must be providing access to or in support of the conduct of commercial fishing activities.

The following programs provide for property tax relief as a reimbursement. Please contact the Income Tax Division at 207-626-8463.

Maine Residents Property Tax & Rent Refund. Eligible Maine residents can receive a partial refund of property taxes and/or rent paid on their primary residence.

Business Equipment Tax Reimbursement. Eligible Maine Businesses may receive a rebate of property tax paid on eligible equipment.

FREQUENTLY ASKED QUESTIONS

If we have a revaluation, will my taxes go up?

Not necessarily. A town will raise exactly what they vote to appropriate. A revaluation will not raise any more or any less than that amount.

But what if my taxes do increase?

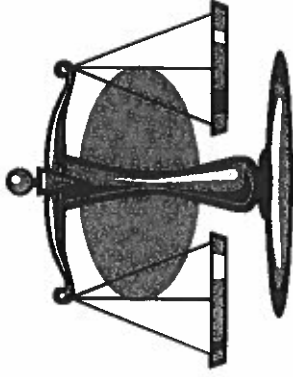
If you see an increase in your individual tax bill, then most likely you were paying less than your fair share of the overall tax burden the year before. Some tax bills may even decrease.

Will we lose Education Funding?

Unlikely. Both the education funding and revenue sharing are based on the town's equalized valuation (state valuation) which is determined by the Maine Revenue Services. A revaluation only solidifies the base for your state valuation.

Do I have to let them into my home?

No. You have a right to deny entrance. However, in the inspection process of the revaluation, the more information made available, the more fair and equalized will be your assessment. It is very important that the inspector review not only the quality of your construction, but also any deterioration or negative influences.



REVALUATIONS

Understanding the Process And the Myths

Maine Revenue Services
Property Tax Division
PO Box 9106
51 Commerce Drive
Augusta, Maine 04332-9106

Tel: 207-624-5600

E-Mail: prop.tax@maine.gov

www.maine.gov/revenue/propertytax

A Revaluation is a process which creates a solid base of inventory for tax purposes. The Maine Constitution states that *all taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally according to the just value thereof.*

In order to apportion the tax burden equally, the assessor(s) must establish assessed valuations in accordance with just value. Just value is synonymous with market value.

Each year a town votes to raise a certain amount of money in order to provide and pay for local services, such as education, administration, plowing, etc. Some of the town's revenue comes from the State such as Revenue Sharing, reimbursement for tree growth tax loss and education subsidy. Other revenue may come from local service fees or excise tax.

There are several methods in performing a revaluation. A town may opt to make in-house adjustments at little or no administrative cost. There are also professional firms certified to do the job. A thorough revaluation by a professional firm would require a town vote in order to appropriate the money to pay for the process.

A town votes to pay for a revaluation because they recognize the need to equalize the valuations so that no one taxpayer pays more or less than their fair share of the tax burden. The need to

have a revaluation may be due to the lack of an inventory of parcels and building components or due to a change in market value.

During a revaluation. Ordinarily, if a professional firm is hired, they will have

a crew that will visit every property within the town and record data such as land acreage and building components including age, dimensions, quality of construction.



Land data will also be collected based on the acreage, topography, improvements, restrictions and covenants.

The firm will review local sales that are considered "arms length" transactions and start creating pricing schedules for land and buildings.

As a result, all properties will have an assessed value for tax purposes typically based on current cost of construction and local market sales.

The information collected and the ownership of the property will reflect the status on April 1st.

In most revaluations, the taxpayer will have the opportunity to review their new assessment and ask the professional firm specific questions. The municipality may hold informational meetings as the revaluation progresses.

The municipal assessor(s) are the legal officials who validate the valuations for tax purposes.

After the revaluation. Once the taxable values are established, the municipal officials will set a tax rate (mil rate). This is done by dividing the town's net appropriations (as voted) by the town's taxable value.

Each year, the municipal assessor(s) should review the assessment records, make updates for new construction and land splits and monitor sales activity.

Some towns may hire a part time agent or a full time assessor to maintain the records. This will depend on the needs of the town and how much money the voters want to spend.

In 1975, Maine's Property Tax Law added language that required a town to maintain valuations equitably to at least 70%. This allowed a taxpayer to understand their own valuation and relate it to other property values within the town. *Myth:* If a town's assessment ratio falls below 70%, then the State will step in and order a revaluation. This is not true.

Appeal. A taxpayer has the right to legally appeal their tax assessment if they feel that it is unfair or unjust.

The first advice, however, is to visit the local assessor(s) and discuss your concerns.



18 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

125 BUREAU OF REVENUE SERVICES

Chapter 208: REVALUATION GUIDELINES

SUMMARY: This rule explains in further detail the process of revaluation of property and presents guidance for professionals providing revaluation services, established in accordance with the provisions of 36 M.R.S. §§ 112, 328, 330 and 331.

Outline of Contents:

- .01 Definitions
 - .02 Requirements
 - .03 Failure to meet requirements
 - .04 Revaluation by municipality
-

.01 Definitions

- A. Firm.** "Firm," as used in this rule means a professional assessing firm or an individual or group of individuals that contracts to provide revaluation services or maintenance work for the property tax valuations of municipalities in the State of Maine. The term is separate from the term "professional assessor," which means a person who is employed by one or more municipalities for the purpose of assessment administration. 36 M.R.S. § 306(5).
- B. Revaluation.** "Revaluation" means the development of new property valuations by a firm through the introduction of new grading and pricing schedules, the updating of existing grading and pricing schedules, or the maintenance of an existing valuation system.

.02 Requirements

- A.** Each firm providing revaluation services must employ at least one certified Maine assessor as described in 36 M.R.S. §§ 310 and 311.
- B.** Prior to conducting a revaluation of all property within a municipality, a firm must meet with the municipal assessor or assessors and a representative of the Property Tax Division of Maine Revenue Services. At that meeting, the firm must provide the municipality with the following:

1. Samples of grading and pricing schedules, including land pricing formulas, necessary for revaluations;
 2. A reasonable explanation of the proper usage of the grading and pricing schedules referred to in paragraph 1; and
 3. A written description of the personal property pricing methods the firm will use, if applicable, including depreciation schedules and a written description of the inventory and valuation format that the firm will present to the municipality once the revaluation is complete.
- C. A firm engaged in performing a municipal reevaluation in Maine must file a copy of the current grading and pricing schedules used with the State Tax Assessor. In addition, a firm must file and maintain with the State Tax Assessor a résumé that includes the number of people regularly employed by the firm, their particular qualifications, and a list of the municipalities where the firm has been employed within the five previous years.
- D. Upon completion of a revaluation, a firm must present the municipality with a complete set of property record cards that detail the construction of each building.

.03 Failure to meet requirements

- A. The Property Tax Division of Maine Revenue Services maintains a list of all qualified firms providing revaluation services for municipalities in the State of Maine. This list is available to municipalities upon request. Failure of a firm to comply with the guidelines established by this rule will result in the Property Tax Division removing that firm from the list and notifying municipalities of the removal.
- B. When the Property Tax Division removes a firm from the list referred to in subsection A, it will notify that firm by certified mail. The notification shall include the reasons for removal, as well as an explanation of the appeals procedure available. Appeals relative to determinations made under the provisions of this subsection are subject to the provisions of 36 M.R.S. § 151; Review of decisions of State Tax Assessor.

.04 Revaluation by municipality

If a municipality conducts its own revaluation and uses a grading and pricing schedule different from what was used in the prior revaluation, the municipality must provide the State Tax Assessor with a copy of the grading and pricing schedule upon request.

EFFECTIVE DATE:
October 21, 1987

EFFECTIVE DATE (ELECTRONIC CONVERSION):
May 1, 1996

AMENDED:
March 24, 2015



Maine Municipal Association

Guide to Property Tax

Property taxes in Maine generate \$2.4 billion a year to fund local government services and a majority share of the cost of K-12 public education. Of the three major taxes – income, sales and property – used to fund Maine state and local governments, property taxes comprise the larger slice of the revenue pie. Property taxes currently account for 45% of the revenues in Maine generated by the three major taxes. The income taxes (corporate and personal) generate 31%, and the sales tax generates 23% of the total.

Property taxes have been with us since colonial times when a person's wealth could be measured in the amount of property a person owned. Although it is our oldest form of taxation in Maine, the property tax still remains widely misunderstood. As the fundamental structure of our economic system has evolved from an agricultural economy to a manufacturing economy to a services-based economy, the patterns of ownership have changed and the property tax has become quite regressive because it is no longer necessarily based on a person's wealth or ability to pay.

What Property Is Taxed?

Both real (land and buildings) and personal property (tangible equipment, fixtures, machinery, etc.) are subject to taxation, unless they are exempted by law or subject to another form of taxation, such as the excise tax for motor vehicles and boats. Since home furnishings are largely exempt from personal property taxes, the property tax bill for most Maine homeowners is based on the value of the land, the house, and the outbuildings.

Local assessors are required by law to "ascertain as nearly as may be the nature, amount and value as of the first day of April of the real estate and personal property subject to be taxed . . ." This means that if on the 1st day of April you own property that is subject to taxation, then you are liable to pay those taxes to your municipality.

How Is Property Assessed?

The Maine Constitution says that property shall be assessed at its "just value." The courts have interpreted "just value" to mean fair market value or in other words "what the property is worth." A property's worth is commonly looked at as "what a willing buyer would pay a willing seller" for a particular piece of property.

Determining the market value of property is no easy task. Local assessors use three basic methods to determine a property's worth. One method compares the selling price of similar types of property. A second method determines how much it would take at the current price of materials and labor to replace a building, then subtracts out how much the building has depreciated. The third assessment method evaluates how much income the property would produce if it were rented, like an apartment house, store or factory. One, two or all three of these methods might be used to help the assessor determine the fair market value of your property. It is also important to note that land and buildings are valued

Local Government in Maine

- [Overview & Links](#)
- [Citizen Education](#)
- [Becoming Involved](#)
- [Forms of Government](#)
- [Local Government in Maine Book](#)
- [Grassroots Lobbying](#)
- [Guide to Property Tax](#)
- [Ordinances & Home Rule](#)
- [Running for Local Office](#)
- [Tax Data & Statistics](#)
- [Municipal Websites](#)
- [Citizen's Guide to Town Meeting](#)

Related Links

- [Maine Town & City](#)
- [Local Government in Maine Book](#)
- [Town Manager Plan](#)
- [Election Dates Report](#)

separately. Therefore, a home with water frontage may be assessed at a significantly higher value, because of the land's value, than an identical home without water frontage.

To implement the constitutional requirement that real estate be assessed at its "just value," and in recognition of the tremendous difficulty and costs to a municipality to maintain a "just value" assessment, the Maine Legislature enacted assessing standards that municipalities must meet. One standard is that the total local valuation of taxable property not fall below 70% of fair market value. Another standard is that the quality rating of assessments not exceed 20 (which basically means that the difference in valuation between similar properties should never be greater than 20%).

Revaluations are commonly used when a community falls below the assessing standards. During a revaluation, all property in the municipality is inspected and assessments are adjusted to their fair market value.

In 2014, the total value of taxable property in Maine was approximately \$155 billion, which generated about \$2.0 billion in property tax revenue to fund the operation of Maine's 491 cities, towns and plantations, as well as a large portion of the cost of Maine's 218 school administrative units, and the budgets of the 16 counties.

How Are Property Taxes Collected?

Property taxes are levied according to a mill rate. The mill rate is the dollars/cents per \$1,000 of value that you will pay in property taxes. For example, if you own a home valued at \$100,000 and the tax rate is 20 mills (or .02), then your tax bill will be \$2,000 (or $.020 \times \$100,000$).

In calculating a property tax rate, the legislative body of the municipality (town meeting or council) determines the amount of revenue needed to be raised by the property tax to fund municipal services, and pay its school and county assessments. That amount is then divided by the total local assessed valuation to get the local tax rate. For example, a town that has a local assessed valuation of \$100 million and needs to raise \$2 million in property taxes will require a tax rate of 20 mills to do so ($\$2,000,000$ divided by $\$100,000,000$ equals .020).

Another way to look at the mill rate is as a percentage of value. For example, if your home is valued at \$100,000 and the mill rate is 20, then your property taxes are equal to 2% of your home's value; if the mill rate is 15, then it is 1.5% of the home's value; 10 mills is 1%.

The municipal assessor(s) calculates how much must be raised in property taxes based on what the legislative body has approved to provide the town or city services plus the two assessments levied against the town or city by the school district and county. A tax commitment listing all the property in town, its value and the taxes that are owed is then signed by the municipal officers and given to the tax collector who sends out the tax bills. In some Maine communities, property taxes are paid in one lump sum. Increasingly, municipalities have moved to collecting property taxes twice a year. Property taxes may also be escrowed and payments made as part of a homeowner's monthly mortgage payment.

What Services Do Property Taxes Fund?

Maine communities provide a vast array of services, including police and fire protection, winter and summer road maintenance, code enforcement, planning and land use regulation, economic and community development, issuance of licenses, recreation, parking, solid waste collection and disposal, water and sewer services, emergency medical services, health and human services, and sometimes more depending on where you live. Property taxes on average fund about 60% of the cost of local governments. The remainder of the revenue comes from state assistance, primarily in the form of

school subsidy, as well as other sources of municipal revenue (e.g., motor vehicle excise taxes, fees, fund balances, etc.).

The biggest bite of your property tax dollar is used to fund education. The average Maine community uses 68% of its property taxes for that purpose. The total statewide cost of K-12 education, which is approximately \$2.2 billion annually, is funded by both the state and local governments. In response to a 2004 citizen initiative, the state has committed to funding 55% of the cost of K-12 education, based on the Essential Programs & Services (EPS) funding model. However, in 2016, the state's share of the statewide school funding model was just 47%. Despite the commitment in law, the 55% level of funding has never been achieved.

The level of services that a community provides is determined by the legislative body. In a municipality that is governed by the town meeting, the residents are the legislative body and through their votes at town meeting they determine the amount of property taxes that will need to be raised. Because of their size, some larger communities have representative government. City or town councils are elected by the citizens to serve as the legislative body of the municipality and are charged with approving the municipal budget and determining the amount of property taxes that will be raised. The electoral process is used to decide which people best reflect the views and attitudes of the community.

Some of the services that a community provides are mandated by federal and state law. Special education, "Learning Results" and the "No Child Left Behind" laws are examples of expensive state and federal educational mandates. Environmental laws governing the disposal of solid waste and setting standards for wastewater, drinking water and storm water quality, the locally administered General Assistance program for low income residents, and a variety of public safety standards are all state or federal mandates that affect the size of the municipal budget and therefore the property taxes that are needed.

Because property taxes can cause an undue financial hardship on both homeowners and renters, the Maine Legislature has created over the last 30 years three major property tax relief programs.

Property Tax Relief

Revenue Sharing: In the early 1970s the Legislature created the state Municipal Revenue Sharing Program which distributes to all municipalities a share of the income and sales tax revenues that would otherwise accrue to the state treasury. For several decades, 5% of the state's tax revenues were distributed in this manner, with each municipality's share based on its population and its property tax burden. Revenue sharing money received by a municipality must be used to reduce the property tax rate. Unfortunately, in recent years, the Legislature has taken significant amounts of revenue sharing for the purpose of balancing the state budget rather than for property tax relief, and has now formally cut the revenue sharing program by 60%, distributing just 2% of those dedicated state revenues, instead of 5%.

Property Tax Fairness Credit. In 2013, the Legislature repealed the Maine Residents Property Tax and Rent Refund ("Circuit Breaker") Program and replaced it with the Property Tax Fairness Credit. This annual property tax credit can be claimed on the Maine Individual Income Tax Form. The credit is available to any individual who (1) was a Maine resident during any part of the tax year, (2) owned or rented a home in Maine during any part of that year and lived in that home during that year, (3) had Maine adjusted gross income of no more than the amount specified by statute, and (4) paid property taxes on that home or paid rent to live in that home during that year which exceeded Maine adjusted gross income by the percentages specified by statute. The amount of the credit varies depending on individual circumstances.

Forms and assistance in applying for the credit are available from the Maine Revenue Services. For more details and contact information, [Click Here](#).

Homestead Exemption: In 1998, the Legislature responded to the increasing over-reliance on the property tax by enacting a "homestead exemption." The homestead exemption parallels Maine's long-standing property tax exemption for veterans of war. When originally enacted, the homestead exemption reduced the property tax bill of all Maine resident homeowners who apply for the exemption by subtracting \$7,000 in just value from the assessed value of their "homestead." The Maine Legislature made changes to the homestead exemption in 2003, 2005 and again in 2010. The current program provides a \$15,000 exemption for each qualifying homestead. Municipalities are reimbursed 50% of the lost property tax revenue caused by the exemption from the state's General Fund. Beginning in 2017, the homestead exemption is scheduled to be increased to \$20,000.

Summary

Property taxes are the primary source of revenue for Maine's cities and towns and are used to provide local government services. Other than excise taxes on motor vehicles and boats, municipalities are barred by Maine law from using any other form of taxation to raise revenues to fund local services. Property taxes also help finance Maine's 200-plus school districts as well as county government, which together add about \$1.3 billion to municipal budgets statewide.

While it is true that property taxes no longer reflect on a person's ability to pay, it is nonetheless also true that the amount of property taxes collected is controlled, at least in part, by the voters themselves. Voters certainly have more control over their property taxes than they do over their state or federal taxes.

Local government is the level of government "closest to the people." It is the level of government which citizens have the greatest access to and the most control over. It is as close as we come to self-government. However, with this right to self-govern comes the responsibility to be informed and to make thoughtful decisions that are in the best interest of all the citizens in your community. Being active in municipal affairs is the responsible way to exercise this right of self-government.

Updated: 11/4/2016

For the Property Owner Who Wants to Know



A public information brochure provided by
INTERNATIONAL ASSOCIATION OF ASSESSING OFFICERS.

The content of this brochure is intended for informational purposes only and is not to be construed as legal advice. Property owners should consult their local assessor and qualified legal counsel before acting on information found in this brochure. IAAO assumes no liability for the accuracy of this information when applied to specific instances.

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HOW WAS MY PROPERTY ASSESSED?

The assessor's office first reviews all the property to be assessed in your community and then values it. In reviewing your individual property, the assessor collects data about its characteristics, such as the amount of land you own, the location of your property, the number and size of improvements on your land, the physical characteristics of the improvements including number and type of rooms, the quality of construction of improvements, and so on. This information is used to estimate the market value of your property by comparing the sale prices of similar properties, estimating the cost to construct your property, and/or calculating the potential rental income your property could generate (if any).

Accurate appraisals require constant searching for and accumulation of significant facts to analyze in order to estimate the fair market value of your property.

WHAT IS MARKET VALUE?

The market value of your property is the price most people would pay for it in its present condition. The assessor does not consider special factors that might increase its value, such as a special attachment to your home. The assessor also does not consider special factors that might decrease the value of your property, such as how much you might sell the home for to your brother.

The assessor must estimate the market value of every property in your taxing jurisdiction, no matter how big or small. Each year (or less frequently depending on your local laws), the assessor reviews your property for changes and then revalues the property depending on current market conditions.

WHAT IS AN ASSESSMENT?

An assessment is the value of your property used to calculate your property taxes. After estimating the market value of your property, the assessor multiplies the market

value by a factor (how the factors differ depends on local laws). The result is your assessment.

WHY HAVE A PROPERTY TAX?

The property tax is an important part of any well-balanced revenue system for a community. Property taxes fund such things as schools, fire and police protection, streets, libraries, and other public benefits. The property tax allows these services to be funded in proportion to the amount of money individual properties are worth. The property tax also is a more stable source of money than sales taxes and income taxes because it does not fluctuate when communities have recessions or when individuals' income fluctuates. In general, when your community spends more tax dollars on better schools, parks, streets, and other public benefits and services, your property values rise and you ultimately benefit.

HOW DOES THE ASSESSOR ESTIMATE MARKET VALUE?

To estimate the market value of any piece of property, the assessor must first know what similar properties are selling for, what it would cost to replace it, how much it takes to operate and keep it in repair, what rent it may earn, and many other financial considerations affecting its value, such as the current rate of interest charged for borrowing money to buy or build properties like yours.

Using these facts, the assessor can then go about finding the property value in three different ways.

Sales Comparison Approach

The first method the assessor uses compares your property to others that have sold recently. These prices, however, must be analyzed very carefully to obtain the true picture. One property may have sold for more than it was really worth because the buyer was in a hurry and would pay any price. Another property may have sold for less money than it was actually worth because the owner

needed cash right away and the property was sold to the first person who made an offer.

When using the sales comparison approach, the assessor must always consider such overpricing or underpricing and analyze many sales to arrive at a fair valuation for your property. Size, quality, condition, location, and time of sale are also important factors to consider.

Cost Approach

A second method the assessor uses to value your property is based on how much money it would take, at current material and labor costs, to replace your property with a similar one. If your property is not new, the assessor depreciates the cost of constructing a new building to estimate the value of a building with your building's age.

Income Approach

The third method the assessor uses involves estimating how much income your property would produce if it were rented as an apartment house, a store, or a factory. The assessor considers operating expenses, typical vacancy, insurance, and maintenance costs to estimate how much net income your property could generate. The assessor compares this net income with how much income most people would expect to earn on other types of investments to estimate the value of your property.

After calculating the values using these three methods, the assessor makes a final judgment on the value of your property. Depending on the type and nature of your property, the assessor using his or her years of experience may rely more heavily on the value estimated by one approach, disregard the value estimated by one approach entirely, or try to combine the values suggested by the three approaches into one value.

WHY DO ASSESSED VALUES AND MARKET VALUES CHANGE FROM YEAR TO YEAR?

As market values change, in general so do assessed values. Market values change because the property has changed or because market conditions have changed.

For example, if you were to add a garage to your home, the market value and the assessed value may increase. If you add new siding, the market value and the assessed

value of your home also may increase. However, if your property is in poor repair, the market value and assessed value may decrease over time.

In many areas, market conditions have led to increases in market values and assessed values without any changes to the property or surrounding areas. Other areas have experienced declines. In estimating the value of your property, the assessor reflects the conditions that are occurring in the marketplace.

HOW DOES MY ASSESSED VALUE AFFECT MY TAX RATE AND MY TAXES?

The assessor's office does not determine the total amount of taxes collected in your community, the tax rate, or your taxes. The assessor's primary responsibility is to find the fair market value of your property, so that you pay only your fair share of taxes.

The amount of tax you pay is determined by multiplying your TAX RATE by your property's ASSESSED VALUE. Your tax rate is determined by all your taxing authorities—city or county, school districts, and others. Your taxing authorities determine how much tax is needed to provide all the services you enjoy.

WHAT CAN I DO ABOUT MY ASSESSED VALUE AND MY PROPERTY TAXES?

If you believe the assessor has overestimated or underestimated the value of your property, you should contact the assessor's office and discuss the matter. Many offices have formal and informal procedures to appeal the assessed value on your property. Staff can answer your questions about how the office estimated the value of your property and explain how to appeal your assessed value. Many assessors encourage property owners to contact the assessor's office, because the assessor's office relies on property owners for information. You can help by providing accurate information.

If you think your taxes are too high, you should make your opinion known to the proper taxing authorities. You can ask the assessor whether special exemptions exist and whether you qualify for them. If exemptions do not exist, you should contact your legislator and your tax authority about whether certain exemptions should be created.

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The International Association of Assessing Officers is a nonprofit organization providing information, standards, education, and consulting services to assessors to promote innovation and excellence in property appraisal, property tax policy and administration through professional development, education, research, and technical assistance.

2021

FEDERAL ISSUES PAPER

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March 2, 2021

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413 Dirksen State Office Building
Washington, DC 20510

Senator Angus King
133 Hart Senate Office Building
Washington, DC 20510

Congresswoman Chellie Pingree
2162 Rayburn House Office Building
Washington, DC 20515

Congressman Jared Golden
1223 Longworth House Office Building
Washington, DC 20515

Dear Senator Collins, Senator King, Congresswoman Pingree, and Congressman Golden,

On behalf of the Maine Municipal Association's (MMA) Executive Committee, I am pleased to present our 2021 Federal Issues Paper.

Although traditionally this publication is used to show how your federal level investments and advocacy efforts benefit Maine town and cities, this year we have decided to deviate from that approach.

Because COVID-19 defined the lives of Maine residents for much of 2020, we thought it was fitting to spotlight the municipal response to the ongoing public health crisis. In the pages that follow you will read how municipal leaders from seven towns and cities stepped-up to the challenge to protect their communities.

It merits asserting that this change in approach has no impact on our appreciation for your support of important federal programs. The ongoing funding for housing, heating, community development and infrastructure improvement programs has not gone unnoticed. Nor has your support for CARES Act funding and subsequent federal stimulus packages.

We strongly agree with Bangor City Manager Cathy Conlow's observation that, "We have been very fortunate because of our federal delegation."

Due to your advocacy efforts, in 2020 Maine received \$1.75 in federal assistance for every dollar a resident or business contributed to the federal government for a total of \$17.4 billion.

Of Maine's \$1.25 billion share of Coronavirus Relief Funds under the federal CARES Act, 85% (\$1.06 billion) was used to help residents, businesses, schools, counties and municipalities.

In addition, \$420 million in federal revenue supported housing, heating and weatherization efforts. As a result of this investment, over 55,400 households and 36 shelters received much needed financial assistance.

Annual investments of roughly \$190 million continue to fund one-third of the state's transportation infrastructure improvement projects.

The \$18 million investment in Community Development Block Grants provided direct financial assistance to businesses; supported improvements to municipal parking facilities, sidewalks and water and sewer systems; and funded employment training, transportation services and child care programs.

Finally, of the \$16.5 million in federal broadband expansion assistance, \$10 million from the U.S. Department of Agriculture's ReConnect Pilot Program will create or improve broadband connectivity for 4,527 households and 215 business.

The words of Augusta City Manager Bill Bridgeo aptly summarize the extent of our gratitude for the good work that you do for Maine. "We have four wonderful congressional representatives, Senator Collins, Senator King, Congresswoman Pingree, and Congressman Golden. We don't have to tell them much about our needs, beyond giving them the ammunition they might need to carry it through the appropriations process in Congress. We are not fighting against federal, irrational, elected appointees. We've got champions in all four offices. We appreciate that."

We look forward to meeting with you remotely on March 10 (Senators King and Collins) and March 11 (Congressman Golden and Congresswoman Pingree) to express our gratitude for your efforts, to discuss the trials and tribulations we have faced over the last year and to plan our recovery, together.

Sincerely,

James Gardner, Jr.
Easton Town Manager
President, MMA Executive Committee

WINDOWS INTO THE PANDEMIC

The pandemic impacts every municipality in Maine. Many of these impacts are common across the state. Towns and cities are suffering revenue losses, encountering unexpected expenditures, making adjustments to municipal services, and engaging in some form of emergency planning. Other impacts, like staffing or housing shortages and budget deficits, are more prominent in certain municipalities. The 2021 Federal Issues Paper explores the different ways municipalities are navigating the pandemic, what impacts are still being felt, the lessons learned from this crisis, and what remains to be done at the municipal, state, and federal levels.

“We are trying to be everything to everyone. We are stretched thin.”
– Bangor City Manager Cathy Conlow

Seven municipalities are highlighted in this paper: Augusta, Bangor, Brunswick, Gardiner, Monmouth, Standish, and Vinalhaven. Summaries of the full interviews with participating municipal leaders can be found on the MMA website. What follows are highlights from each interview.

AUGUSTA

The human impact of the pandemic on Augusta’s municipal employees has been severe. To date, 32 employees have been laid off, and the police department, code enforcement, library, and day care program are all short staffed. Meanwhile, overtime costs are soaring as employees miss work due to exposure incidents.

The city’s code enforcement office demonstrates the pandemic’s strain on municipal employees. City Manager Bill Bridgeo explains, “In ordinary times we have three full-time code enforcement officers. Last spring, one of the things that we had to do was eliminate one of those positions. Layoff a very capable code enforcement officer, which are damn hard to find. Now two individuals are expected to do the work of three. I am always concerned about burnout because the workload doesn’t seem to abate.” This scenario has played

out similarly in every one of Augusta’s municipal departments.

Bridgeo is excited about the hope for vaccines to stabilize government functions, “If my firefighters and police officers, and public safety people, aren’t coming down sick with COVID, then the services that they perform won’t be interrupted, or delivered at huge extra overtime costs. [Vaccinations will] increase our efficiency as a local government, and our capabilities to do the essential services that we have to do.”

However, vaccines bring a new cost for the city.

Augusta is a designated inoculation site, and has been asked to vaccinate municipal officials for multiple communities. As of now, that cost has not been reimbursed by state or federal governments. Augusta is going ahead with inoculations regardless of the expense, “Our primary concern is to get it done. To the extent we qualify for reimbursement, we are keeping track of the hours and personnel.”

Of more pressing concern is the financial loss expected from the Augusta Civic Center. Bridgeo fears the loss will be a direct impact to the city’s General Fund reserves that could amount to \$2 million. “My hope has been that federal relief packages would include municipally owned conference and convention centers. That would help Bangor, Augusta, and Portland. To date, we haven’t been successful with that.”

BANGOR

As a service center community, Bangor is responsible for providing many services to the region. During the pandemic it has accepted a disproportional lift to support public health and the general assistance applicants. Additionally, the city carries the weight of a regional airport and large event forum, both of which threaten to drain city coffers. “Cross Insurance is hemorrhaging money just sitting there,” and “the airport is backfilled with CARES Act money,” said City Manager Cathy Conlow, “We are concerned, long-term.”

Even with the heavy lift, Bangor endures. Part of the reason Bangor has not fared worse during

the pandemic is the numerous partnerships that Conlow and municipal leaders have nurtured for years. For example, she addressed the pandemic's divisive eviction crisis through statesmanship and partnership with health-care providers, non-profits, and business leaders. "Relationships were in place and we were able to patchwork things together. I think without the experience of working together for eight years on some seriously sticky issues, it probably could have been worse."

Bangor has established partnerships across all sectors and government levels. The city's relationships extend to surrounding municipalities, local hospitals, the U.S. military, welfare providers, and private businesses. Each partnership brings unique benefits and stressors. Some partnerships have recently felt a bit lopsided.



Certain qualities related to Bangor, like its size, geographic location, and transit network, make it a natural outlet for federal and state government to funnel aid through welfare services to a large region surrounding the city. During periods of economic turmoil, this regional responsibility is exacerbated, and Bangor is leaned on more heavily by surrounding municipalities and the state government.

The White House also depends on Bangor to facilitate presidential visits, and did so twice during the pandemic. As a frequent recipient of federal funds, Conlow feels it is Bangor's duty to facilitate such visits, "It takes days of planning, and there is

no warning. It taxes us. We don't get reimbursed for this."

Bangor continues to honor its commitments to established regional, state, and federal partnerships, and is working to strengthen and forge new ones.

BRUNSWICK

To survive the financial strain of the pandemic, local governments had to adapt to ensure the community was protected. No effort demonstrates this adaptation better than the cooperation between local government and private business. The Town of Brunswick has many businesses at risk of losing revenue or closing. To prevent the worst-case scenario, Brunswick is working with local businesses to everyone's benefit.

Town Manager John Eldridge is sympathetic to the struggles of local businesses, "I admire what they have been able to do to continue to stay in business given what has happened." Eldridge worries that restaurants and hospitality businesses have been "hit tremendously. I can't imagine how difficult it has been... There is no doubt they really struggled." With limited capacity to help, Brunswick supports businesses as much as possible.

The city adjusted its ordinances to allow more businesses to operate on sidewalks and in parking lots, expanded the outdoor season by many months, offered loans through its development corporation, waived certain business permit fees, and held property taxes rates almost constant. "We were open to anything that people suggested that would help them survive this. We tried to do what we could. We are just a municipality. We don't have a printing press [for money]" said Eldridge. Brunswick is doing anything it can to protect its businesses, and federal support would be instrumental in helping both the private and public sectors sustain the pandemic.

It was a tough year for businesses. "Unfortunately, some aren't going to come back. It's their life and their life savings. It's heartbreaking to see them struggle," lamented Eldridge. While he is proud of the businesses that were able to adapt, Eldridge

worries for what is still to come, “I can’t imagine what they lived through, months of uncertainty and whether they will ever recover.”

GARDINER

The pandemic reinforced the City of Gardiner’s collaborations with community members and surrounding municipalities. Beyond the incredible effort from municipal employees, Gardiner’s businesses, private service providers, and residents stepped up and helped each other. City Manager Christine Landes proudly remarked on her community’s residents, “You can count on people when you need them. They truly step up. They have good hearts. Gardiner is a close-knit community. We have various opinions, but that doesn’t hurt us here.”

Mayor Patricia Hart had similar sentiments about surrounding communities, “I realized how intertwined we are with other regional municipalities and how important it is to work together. The other municipalities have been a great source of brainstorming.”

“Think about what everyone is going through. The pandemic, the racial tension, the economic crisis and the political crisis. There are so many points of stress and yet we came together.” – *Gardiner City Mayor Patricia Hart*

Mayor Hart was not shy about asking for more support from government partners, “We need the federal government to step up and make good on the things they let slip in the last four years. The State of Maine has not done a good job about investing in infrastructure. We need money for roads.” In particular, Mayor Hart was adamant that more non-property tax based investments in broadband is necessary, “We need money for broadband. We need the state to step up and invest in broadband for everyone. It can’t keep falling on the shoulder of municipalities to solve a public utility deficit.”



Mayor Hart’s request is reasonable, especially because “municipalities carry out all the work of taking care of people. It’s not the state, it’s not the federal government. They have stripped the money away from us over the years. They need to step up and invest in our communities. You can’t keep putting it on the back of homeowners.”

MONMOUTH

Although effects of the pandemic struck hard, communities like Monmouth demonstrated resilience and a willingness to adapt. Reflecting on the events of the past year, Town Manager Linda Cohen contributes part of the municipality’s success during the pandemic to “being able to roll with the punches. Which we’ve had to do.” While many of the punches to the community came from the uncontrollable pandemic, other obstacles were created locally.

There were disagreements and moments of antagonism along the way. “Don’t make assumptions that everybody is on the same page; that goes for any catastrophe or emergency situation. Not everyone agrees,” noted Cohen. During the year, town hall operations transitioned from being fully closed, open by appointment only, and open with limited public capacity. Each transition created a period of temporary confusion and frustration for some residents.

Monmouth also encouraged more people to take advantage of online services, rather than in-per-

son visits. Although these operational changes were for the safety of municipal employees, many community members were reluctant to embrace them all. Cohen remarked, "We tried to get people to do more online services when we were shut down....It would help us from a staff standpoint. People just don't use the online services like we wished they would." Despite public reluctance, Monmouth is going ahead with a new website launch and adding property tax payments to its list of online services.

Incongruity forced Monmouth to roll with the punches in other ways too. The experiment with remote public proceedings appeared to be a welcome option for residents, whose engagement in such meetings increased, but the select board opted to discontinue the use of remote meetings as soon as it was safe. The town manager was quick to note the peculiar role reversal, "For years, elected officials wanted to do some sort of remote meeting, and the public didn't like that idea. Now, the selectmen and the elected officials really don't like the Zoom meetings so much. The public loves them because they can participate... without even leaving their living room." The community also deliberated closing their beaches to non-residents and cancelling the annual town fair. Both were approved to the dismay of some Monmouth residents and officials.

After proving Monmouth's resilience to the pandemic, Cohen is ready to "get back to normal and lighten the mood."

STANDISH

During the pandemic, heaps of private and public money was available to municipalities through complicated grant applications. For Standish, limited staffing and technical capacity made that money almost impossible to access. According to Town Manager Bill Giroux, "Communities like Standish, and for communities smaller, departments heads write their own grants, which is always a struggle because they have full-time jobs to do. For Portland or Lewiston, to apply for grants is nothing. There are many people on staff that are doing grant applications a good part of their workday." The discrepancy in grant access during

the pandemic has motivated Giroux to reach into TIF revenue for a new grant writing position, but he will not be able to hire until state revenue sharing stabilizes.

Even with a devoted grant writer on staff, Giroux worries Standish's voice will still be drowned out. While he believes larger municipalities have bigger needs, he does not want the little guy to be forgotten. For instance, Giroux sees a need for regional broadband investment, but worries it will be overlooked now that Portland has reliable access, "When Portland wants to do something, generally we all say, 'Yeah, you're Portland, you're big enough, we'll help with that.' But I hope those bigger towns and cities also realize the needs of the tiny towns of the world."

VINALHAVEN

Few municipalities formed an emergency operations center as successfully as Vinalhaven. Led by a dedicated team, the Vinalhaven Emergency Operations Center (VHEOC) steered the community through a period of uncertainty and urgency. The VHEOC consisted of the Emergency Management Director Marc Candage, Town Manager Andrew Dorr, EMS Director Kerry McKee, Public Health Officer Jen Desmond, Community Outreach and Volunteer Coordinator Gabe McPhail and, support staff Tanya Robinson.

"Very early on we recognized that this would be a lot easier to handle as a team effort instead of just a public health officer, or Andy as town manager, trying to make these decisions on their own. We quickly realized we could be a lot more efficient," said Emergency Management Director Marc Candage. Candage is a state recognized Level 1 emergency manager and took the lead in organizing the VHEOC.

Throughout the pandemic the VHEOC has been striving to complete the five core tasks of crisis management: sense-making; planning and implementation; meaning-making; accounting; and learning. While no task has been completed, all have been initiated. Of the five tasks, the VHEOC demonstrated complete mastery in sense-making and meaning-making.



"If you have worked in ordinary times to ensure that those relationships and those lines of communication are there, then in a time of emergency, like COVID, you're going to be in a far better position. The same goes for paying attention to the often neglected world of emergency preparedness. The community that has addressed that prior to [emergencies] will do far better than the community that hasn't. Money [should be] appropriated for emergency preparedness function in the community... that's vitally important. We had that in place to a very large degree in Augusta."

– Augusta City Manager Bill Bridgeo

Sense-making entails recognizing signals that a crisis is forming, understanding the implications, identifying stakeholders, and organizing a response network. Meaning-making is the task of explaining a narrative that inspires, educates, and motivates the public to support proposed solu-

tions. While the VHEOC deserves accolades for all of its effort, its success at determining how the pandemic would impact Vinalhaven and then relaying that information to the public was expertly accomplished.

The fifth task – learning – is central to any comprehensive crisis response. Some of the lessons learned were genuinely new knowledge, while others reinforced previously identified goals. In the interview with members of the VHEOC, three lessons were reported:

1. Reliable broadband in the community would improve communication to residents, facilitate new remote work opportunities, and create more equitable learning for students.
2. The affordable housing stock is inadequate for travelling law enforcement, health care providers, and construction workers. The community would benefit from state support to improve distressed housing or create new units.
3. There is interest in creating a community development fund to facilitate direct assistance from the municipality to private businesses. State or federal aid is being sought to initiate such a fund.

THE MOOD TODAY

The municipal officials interviewed have over 200 years of combined experience. They understand the important role local government plays in the community, especially during crisis situations. In addition to the administration of government services, these municipal officials are constantly gauging the pulse and mood of the community. Beyond administrators, they are community members too. When the combined seven hours of interviews are boiled down, two sentiments stand out. Exhaustion, and concern over continued levels of funding from state and federal governments.

Exhausted describes how municipal employees, businesses, and residents feel 10 months into the pandemic. This exact term was used inde-

“We’re hopeful the next six months will go as well as the first six months. When I say ‘well,’ I mean less dire than we thought.” – *Brunswick City Manager John Eldridge*

pendently in all seven interviews. While there was almost unanimous consensus that communities will persevere, the exhaustion caused by the pandemic has come with a price. Municipalities are stretched thin.

Augusta City Manager Bill Bridgeo assessed the strain, “It has been a tough time. This is certainly not unique in our community. Everybody in our state, in one fashion or another, has experienced the challenges and disappointments and problems associated with this pandemic.” Municipal employees are feeling the strain, yet carry on. Gardiner City Manager Christine Landes feels, “We are not down and out, but team members are exhausted, mostly from making sure everyone is kept safe.” Businesses have adapted their models over and over again, but with no guarantee they survive until summer. “As this goes on people are exhausted from pivoting, [businesses] may not make it if this goes on,” worried Bangor City Manager Cathy Conlow.

Worse than the exhaustion communities are feeling, is the lowered expectations they have for the future revenue streams to lift the financial strain. In general, town and city managers are approaching the coming months and years with hesitation. For the most part, Maine’s municipalities weathered the first 10 months of the pandemic with management moves like budget cuts and freezes, grant applications, and conservative fiscal planning. These techniques allowed municipalities to limp out of the fiscal year and into FY 2021, but not without consequences to future planning. Unless the state or federal government backfill revenue losses, municipalities will have to do more in 2021, with less funding than they had in 2020.

Going forward, municipalities will be forced to operate on reduced budgets. This means continued hiring freezes for needed staff, delayed capital improvements that will only pile-up, property tax increases for homeowners, or a complete halt of shovel-ready projects.

City Manager John Eldridge is leading Brunswick into 2021 with stable fiscal health, but only after lowering the budget expectations for state revenue sharing, excise taxes, and federal funding, “This has been less than the end of the world. We adjusted and we are meeting our lower expectations. We don’t get a lot of federal money directly. Would it help us to backfill some of the reductions we had to make? The answer is yes.”

“Like most towns, we’ve evolved.”
– *Standish Town Manager Bill Giroux*

WHAT’S NEXT FOR MUNICIPALITIES

While each municipality highlighted has qualities that make it distinct from the others, they all share many of the same pandemic-era goals. Four issues stand out from the collective interviews: (1) investment in broadband infrastructure; (2) a statewide housing plan; (3) coronavirus relief for government and businesses; and (4) assistance for struggling enterprise funds. These are goals that municipalities have already made progress towards, but would benefit significantly from further state and federal funding support.

“Staff always wanted protective barriers, so COVID really gave us our opportunity. Some good does come of this thing, even if it means coming up with a reason for doing things and being able to make them happen.”

– *Monmouth Town Manager Linda Cohen*

BROADBAND

The pandemic elevated broadband investment to a top priority. Prior to the widespread use of remote learning and teleworking, many areas of Maine were content with mediocre broadband access. Now broadband has become an essential public utility. "The town has been active in wanting to pursue a broadband solution since 2015. Now COVID highlights the discrepancies of broadband. If we are going to do something about it, here is the time. It has been on our radar, now is the time to make it happen," said Vinalhaven's Community Outreach Director Gabe McPhail. For public school students, broadband access is a matter of equity. Remote workers will require homes in areas with fiber optic broadband. Residents without reliable internet cannot access online government services.

Maine is among the ten worst states for broadband infrastructure, based off internet coverage, speed, and price. (Source: BroadbandNow)

In Maine, 12% of homes, or 85,000 residences, are without broadband access. In rural areas, 16.2% of homes are without access. (Source: FCC)

Some communities have already invested in broadband infrastructure or are exploring options for further expansion. Mayor Hart of Gardiner is hoping for state and federal investment in her community. Meanwhile, Vinalhaven, which according to ConnectMaine has 428 underserved residences, does not want to wait for state investment and currently is discussing public-private partnerships to enhance broadband on the island. Even communities like Standish, which have relatively reliable access, are supportive of regional, state and federal investment for broadband infrastructure.

HOUSING

The housing stock in many municipalities is unsuitable to meet their communities' needs. The problem is unique in each community, but the issue is omnipresent in every municipality. In Augusta and Bangor, homelessness and evictions

The average home in Maine is increasingly out of reach for Mainers.

The median home sales price from September 2020 to November 2020 was \$275K, a 22.22% increase from the same period in 2019. The number of units sold also grew by 26.63% during this time. (Source: Maine Association of Realtors)

In contrast, average weekly wages in Maine only grew 10.9% from 2019 Q2 to 2020 Q2. (Source: BLS QCEW)

are exasperated by rising home prices and the limited availability of low-income housing. The problem has reached the point that municipalities are paying thousands of dollars a month to house general assistance recipients in hotels. Officials in Gardiner are concerned about its housing stock too, especially the large portion of aging and distressed homes. In Vinalhaven, the problem is different. However, the need for new or improved housing still exists. For the island community, there is insufficient short-term housing for the numerous traveling law enforcement agents, medical workers, and project engineers and construction workers who have business to conduct on Vinalhaven.

CORONAVIRUS RELIEF FOR LOCAL GOVERNMENTS AND PRIVATE BUSINESSES

The costs of safety and public health during the pandemic have only partially been recouped. While the CARES Act provided aid to municipalities for PPE, protective barriers, and additional cleaning costs, the majority of funding went to EMS departments and did not fully cover the municipal expense. In Standish, only about half of its \$55,000 expense for pandemic related safety measures has been reimbursed.

"Small town managers sit back and either don't realize they are not accessing the grants, or just shake their head because they do not have enough staff to pull it off."

– Standish Town Manager Bill Giroux

The situation is slightly better in Gardiner, where about 70% of its PPE costs have been covered by federal or state aid. Regardless of how much coronavirus relief has been provided from the state or federal government, no municipality has fully recouped the unexpected costs of this pandemic.

Also, the extra expense for public safety has not dissipated. In 2021, municipalities will continue to purchase PPE, install Plexiglas barriers, rearrange physical spaces, acquire new technology and software for remote operations, and pay enormous overtime costs. The extra expenses are not limited to local government either. Businesses have been faced with many of the same costs for similar public safety measures. These future expenses, on top of those already incurred, deserve to be acknowledged with broad funding support from federal and state government.

ENTERPRISE FUNDS

Municipalities that manage enterprise funds like event forums, conference centers, airports, ferries, or large parks and recreation programs are worried that further revenue losses will drain General Fund reserves. While the losses can be partially mitigated, certain expenses continually accrue. With little hope for a quick return to normalcy in 2021, many municipalities with large enterprise funds are worried for their long-term fiscal health.

CONTINUED SUPPORT FOR COMMUNITY

The graphic that follows is a word cloud featuring the most commonly used words from the transcripts of the seven interviews. The size of each word indicates the relative frequency of its use compared to others.

It is fitting that community is one of the largest among the many words. Although municipal leaders across the state are exhausted, struggling, and concerned about future budgets, it is the call to protect the health and strength of the community that keeps them going.

However, as was described in the seven case studies, municipal officials cannot do it on their own. The Congressional Delegation's continued advocacy for federal programs that support businesses, renters, homeowners and the delivery of government services is needed. As is enactment of a federal stimulus package to assist state and local governments in managing the short-term and long-term financial impacts of the pandemic.

Municipal officials thank you for the work you are doing on this front and encourage your continued efforts.





OUR MISSION

The mission of the Maine Municipal Association is to provide professional services to local governments throughout Maine and to advocate for their common interests at the state and national levels.

OUR CORE BELIEFS

We believe in:

- Local government is the keystone of democracy.
- Representative, participatory, local government.
- The accessibility and accountability of municipal government officials.
- A commitment to honesty, civility, integrity and the highest ethical standards among public officials.
- The vital intergovernmental role of municipal governments in providing basic services essential to public safety and the functioning of our economy.
- Respect for the individuality of each local government and the diversity of its citizens.
- The value of collaboration as a means of strengthening cities and towns and providing needed services.

LOCAL GOVERNMENT
begins with **you.**



Assessment- General Requirements and Process

Assessors are public officials whose principal duties are to ascertain and list all taxable property within their municipality, to value taxable property according to its "just value," and to assess each taxpayer his or her fair proportion of State, county, and municipal taxes. The only way in which this tax burden can be fairly distributed is for the assessor to attempt to discover all taxable property within their municipality and to value all property fairly. When a property value is too high, the owner is helping to pay the taxes of others; if it is too low, the owner is getting a "free ride" to some extent.

Personal inspection of real and personal property on an annual basis is not required by law, but it is obviously the best method of determining the "nature, amount, and value" of taxable property. Failure to conduct a personal inspection will not in itself invalidate an assessment, but it is likely to lead to injustice and abatement requests.

The Maine Constitution (Art, IX, § 8) requires all taxes upon real and personal property to be apportioned and assessed equally according to the "just value" of the property.

Title 36 M.R.S.A. §701-A of the Maine statutes provides the following definitions of "just value."

In the assessment of property, assessors, in determining just value, are to define this term in a manner that recognizes only that value arising from presently possible land use alternatives to which the particular parcel of land being valued may be put. In determining just value, assessors must consider all relevant factors, including, without limitation, the effect upon value of any enforceable restrictions to which the use of the land may be subjected, current use, physical depreciation, and sales in the secondary market, functional obsolescence, and economic obsolescence. Restrictions include but are not limited to zoning

Town of Hampden Assessing Department Work Plan 2022

restrictions limiting the use of land, subdivision restrictions and any recorded contractual provisions limiting the use of lands. The just value of land is deemed to arise from and is attributable to legally permissible uses.

The first step toward valuing property fairly throughout the municipality is to list all taxable property accurately. In case of buildings, the assessor should have information as to size and condition.

Regardless of the method used to arrive at the individual values, some method of comparison must be used to check for consistency and uniformity. Comparison can be used to good advantage not only for buildings, but also for land, since each property or parcel, while different to some extent, has certain features which are the same as other, although in different combinations. The elements of value which should be compared are age, and condition; adaptability to profitable use; size, accessibility; attractiveness to a typical owner; type and quality of heating plant; lighting; plumbing; water and sewer; river view and access, type of roads; and proximity to schools, churches, stores and businesses.

Assessing Methods

Maine statutory and constitutional law requires all assessors to assess property according to its just value. Although 36 M.R.S.A. § 327 establishes minimum assessing standards that assessors must achieve, the Legislature has not enacted a law specifying the assessing methods that assessors must use to meet those standards. The courts in Maine consequently have shown great deference to assessors in their choice of a method or combination of methods used to determine "just values" for the properties within their municipalities.

The three most commonly used appraisal techniques for determining the market value of real estate are: (1) the "comparative" or "market data" approach; (2) the "income" or "capitalization" approach; and (3) "reproduction cost less

Town of Hampden Assessing Department Work Plan 2022

depreciation" or "cost" approach. Whether one of these techniques is more appropriate than another will depend on the particular circumstances of the property in question.

Tax Equalization Appraisal Program

- Provide an accurate inventory and to establish "just values" of all tangible real property in the Town of Hampden.
- The appraisal of each parcel of real estate with separately stated values for land and buildings, as well as total value, on a "just value" basis recognizing only presently possible land use alternatives and giving due consideration to the effect on value of any enforceable restrictions to which the property may be subjected.
- Maine Revenue Service conducts an annual valuation of each city and town in the State. These are undertaken to enable the equitable distribution of taxes that are levied across municipal boundaries (county, school districts).

Assessment Methods and Procedures

Every year, the assessment cycle process requires that assessments be determined based on the current market values. This requires a systematic analysis of the assessment of all properties and changes in real property markets each year.

This systematic analysis begins with making sure you have complete and accurate current data on all properties and recent sales properties at the time of sale. The accuracy of property assessments depends on the accuracy of the data. As stated in USPAP, "In developing a mass appraisal, an appraiser must not commit a substantial error of omission or commission that significantly affects a mass appraisal; and not render a mass appraisal in a careless or negligent manner. The

Town of Hampden Assessing Department Work Plan 2022

USPAP clarifying comments state that, "... an appraiser must use sufficient care in analyzing such data to avoid errors that would significantly affect his or her opinions and conclusions.... Perfection is impossible to attain, and competence does not require perfection. However, an appraiser must not render appraisal services in a careless or negligent manner... requires an appraiser to use due diligence and due care." Basing decisions on inaccurate data will result in **inaccurate and inequitable assessments.**

Data accuracy deteriorates as properties change with new construction, demolition, rehabilitation and maintenance that significantly impact the accuracy of property assessments of approximately 2 to 3 percent of the properties per year. In order to maintain accurate data, IAAO Standards recommend that "Property characteristic data should be continually updated in response to changes brought about by new construction, new parcels, remodeling, demolition, and destruction... Properties should be periodically revisited [periodic field inspection] to ascertain that assessment records are accurate and current... at least four to six years. If possible, interior inspections should be made to increase the reliability of building quality and condition ratings, as well as improving overall data credibility and equity between similar homes within a neighborhood. Building permits can provide forewarnings on construction activity, but field verification is necessary to verify the extent of completion, quality of construction and effect on overall market value of the property.

Accurate data on real property sales including the verification of the sale price, conditions of the transaction, and physical inventory at the time of sale are especially critical. If data is inaccurate on a subject property, that property is not likely to get an accurate or equitable assessment. However, if the data is inaccurate on a sale property, then every time the sale is used in analysis or to determine the value of another unsold property, properties will receive an inequitable assessment!

Town of Hampden Assessing Department Work Plan 2022

For the purpose of accuracy and completeness, all properties in Hampden will need to be visited and inspected, with the collected data then being entered into the TRIO Assessing System. This function is in addition to the normal duties of the assessor.

Assessing Departments Reoccurring Projects

| Recurring Projects

- Municipal Valuation Report
- Assessor Commitment Report to City Council/Manager
- Tree Growth Tax Roster-Annual Update
- State Sales Turn-Around Document
- Sales Analysis for Coming Year Update
- Personal Property Declaration Form/Letter of Instruction Updates
- Personal Property Declaration Form Mailings
- Personal Property Depreciation Tables Update
- Assessor's Coming Year Projections with Council
- Tax Map Annual Update
- April 1 valuations
- Commitment of Tax Roll
- Assessors Web Page Update

| Assessing Departments FY 2022 Goals

The assessing office will assess all property at a level between 90 and 110 percent of their current market value as of the sales date shown by a ratio study.

The assessing office will assess all assessable properties uniformly so that the coefficient of dispersion will be 15 or less. This level will be achieved by the coming year.

Town of Hampden Assessing Department Work Plan 2022

The assessing office will maintain the TRIO Assessing Software (computer-assessed mass appraisal system) as circumstances warrant.

The assessment office will list promptly all Real Property by processing deeds received from the recorder's office (PROD) within four weeks (on average) of receipt.

The assessment office will list promptly all Personal Property Declaration Forms (property lists) received from property owner within four weeks (on average) of receipt.

Building permits provide forewarnings on construction activity. Using these permits assessments for new construction and building improvements will be completed as of April 1st and assessment finalized by commitment date. Permits will be processed on a monthly basis.

Review and process Exemption applications annually by March 31 and assessment finalized by commitment date.

The Town's Tax Maps will be updated as of April 1st.

Commitment Date will occur in the month of August if work is completed.



C-b

Town of Hampden
Economic Development

MEMORANDUM

To: Town Council

From: Amy Ryder, Economic Development Director

Date: March 22, 2021

RE: LCWF Grant Cycle

We have been approved to apply for grant funding through the state Land and Water Conservation Fund to extend/create a loop trail and add a canoe/kayak launch at Turtle Head Park. Site inspections were due by October 31, 2020 and by January of 2021 we were granted approval to apply for funding for the proposed project.

After speaking with Doug Beck, who works for LWCF, we will receive additional scoring points because it was a previously funded site when the town acquired the property and reviewed in 2012.

Part of the application process is to submit town legislative approval of the project. I am bringing this to workshop for an opportunity to have discussion and answer any questions or concerns you may have regarding the project prior to a vote, which would be submitted with the grant.

The grant would cover up to 50% of costs and can be extended into a three-year project. It is a reimbursement, so the cost would have to be upfront and then we would be issued a check in the percentage granted.

I would like to use our Emera TIF funds to begin process. There is currently \$292,601.88 in the fund and an additional tax payment of \$158,399.90 will be deposited into the account in April of 2021, which would total \$451,001.78 prior to the grant application deadline of May 31, 2021. The estimated project cost for a trail and launch to be made, trail paved (for ADA) and LED lighting installed, and engineering is approximately \$260,000.00.

This would be a widely used asset for the town of Hampden, provide a public kayak/canoe launch for residents, as well as align with our goal and objective of utilizing and enhancing town facilities.

I look forward to our discussion.

Thank you,

Amy Ryder

C-d

**CHARTER
OF THE
TOWN OF HAMPDEN, MAINE**

ADOPTED: Hampden Town Council, January 17, 1972

CERTIFIED BY: *Paula A. Scott*
Paula A. Scott, Town Clerk

Affix Seal

AMENDED: September 24, 1973

AMENDED: December 5, 1977

AMENDED: January 8, 1979

AMENDED: March 13, 1979

AMENDED: November, 1979

AMENDED: March, 1982

AMENDED: June 8, 1982

AMENDED: November 6, 1984

AMENDED: November 5, 1985

AMENDED: November 4, 1986

AMENDED: November 6, 1990

AMENDED: November 6, 2001

AMENDED: November 5, 2002

AMENDED: November 2, 2004

AMENDED: November 6, 2007

AMENDED: November 5, 2013

AMENDED: June 10, 2014

AMENDED: November 4, 2014

**COUNCIL-MANAGER CHARTER
OF THE
TOWN OF HAMPDEN, MAINE**

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ARTICLE I POWERS OF TOWN

Sec. 101 Powers of the Town - The town shall have all powers possible for a municipality to have under the Constitution and laws of Maine.

Sec. 102 Construction - The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this Article.

Sec. 103 Intergovernmental Relations - The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or of the United States or any agency thereof.

ARTICLE II TOWN COUNCIL

Sec. 201 Composition and Term of Office

(a) *Composition* - There shall be a town council of seven (7) members, four (4) of whom shall be district councilors and three (3) of whom shall be at large councilors.

(b) *Term of Office* - The term of office for councilors elected on or after the regular municipal election held in 2005 shall be three (3) years. Provided, however, that any councilor elected to fill a vacancy shall serve the unexpired term of that position. *(Amended: November 2, 2004)*

Sec. 202 Eligibility - Only registered voters who reside in the town shall be eligible to hold office as councilors at large. Only a registered voter and a resident of a district may be elected as councilor for the district. Any registered voter seeking office must be a resident of the town for at least one year. *(Amended: June 8, 1982)*

Sec. 203 Compensation - The Town Council may determine the annual salary of the chairman and councilors by ordinance, but no ordinance increasing such salary shall become effective until the commencement of the terms of councilors elected at the next regular election. Salaries of councilors shall be paid on a quarterly basis for services performed in the preceding quarter. Councilors elected in a special election shall be paid on a pro rata basis for the time they shall actually serve. Initially annual salaries shall be twenty dollars (\$20.00) per meeting for each councilor and town counselor and twenty-five dollars (\$25.00) per meeting for council mayor. *(Amended: June 8, 1982)*

Sec. 204 Mayor and Deputy Mayor - At the first council meeting in January of each year the town's attorney shall, after the swearing of council members, preside over the town council's election of one of its members as mayor for the ensuing year. The mayor shall preside at the meetings of the council and may vote on all matters that come before the council. The mayor shall represent the interests of his/her constituency in all matters before the council. The mayor shall be recognized as the head of the town government for all ceremonial purposes and by the Governor for the purposes of military law, but shall have no regular administrative duties. A newly elected mayor's first official act shall be to preside over the council's election of one of its members as a deputy mayor for the ensuing year. The deputy mayor shall exercise all the powers of the mayor during the temporary absence or temporary disability of the mayor. The mayor and/or the deputy mayor may resign, with or without explanation and with or without the consent of the council, their respective positions at any time. Should the office of mayor become vacant at any time other than as prescribed above, the town's attorney shall, as the next order of council business preside over the election of a mayor. Should the deputy mayor become vacant, the mayor shall, as the next order of council

business preside over the election of a deputy mayor. (*Amended: November 5, 1985, November 6, 1990, Amended: November 6, 2007*)

Sec. 205 Powers and Duties - Except as otherwise provided by state statute or this charter, all powers of the town shall be vested in the town council, which shall be the general legislative body of the town. The town council shall be the municipal officers of the Town of Hampden.

Sec. 206 Prohibitions - Except where authorized by state statute no councilor shall hold any other town office or town employment during the term for which that person was elected to the town council. Neither the council nor any of its members shall, in any manner, dictate the appointment or removal of any administrative officials or employees whom the manager or any subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officials and employees.

Except for the purpose of inquiry, the council and its members shall deal with the administrative services solely through the manager and neither the council nor any member, thereof shall give orders to any subordinates of the manager, either publicly or privately. (*Amended: November 6, 1990*)

Sec. 207 Vacancies; Forfeiture of Office; Filling of Vacancies

- (a) *Vacancies* - The office of councilor shall become vacant upon nonacceptance, resignation, abandonment, death, permanent disability, permanent incompetency, failure to qualify for the office within 10 days after written demand by the council, forfeiture of office, or failure of the municipality to elect a person for the office. (*Amended: November 6, 1990*)
- (b) *Forfeiture of Office* - A councilor shall forfeit that person's office if that person (1) lacks at any time during that person's term of office any qualification for the office prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) is convicted of a crime or offense which is, during that person's term, reasonably related to that person's ability to serve as councilor, or (4) fails to attend six (6) regular or special meetings of the council in the prior twelve month period. (*Amended: November 5, 1985, November 6, 1990, November 5, 2013*)
- (c) *Filling of Vacancies* - If a seat on the town council becomes vacant more than 6 months prior to the next regular municipal election, the council shall call a special election to fill the unexpired term within 60 days from the date that the vacancy occurred. If a seat on the council becomes vacant less than 6 months prior to the next regular municipal election, the council may call a special election. (*Amended: November 2, 2004*)

Sec. 208 Council to Judge Qualifications of Its Members - The town council shall be the judge of the election and qualifications of its members and for such purposes shall have power to subpoena witnesses and require productions of records, but the decision of the council in any such case shall be subject to review by the courts.

Sec. 209 Induction of Council Into Office - The town council shall meet at the usual time and place for holding meetings on the first regularly scheduled meeting in January and at said meeting councilors-elect shall be sworn to the faithful discharge of their duties by the town clerk or by the town counselor. For any person elected at a special election to fill a vacancy, the councilor-elect shall be sworn to the faithful discharge of the councilor-elect's duties by the town clerk or by the town counselor at the first regularly scheduled meeting of the town council after certification of the election results. (*Amended: June 8, 1982, November 6, 2007*)

Sec. 210 Investigations - The council may make investigations into the affairs of the town and the conduct of any town department, office or agency and for this purpose may enact an ordinance providing

for the compulsory attendance of witnesses, the administering of oaths, the taking of testimony and the compulsory production of evidence.

Sec. 211 Procedure –

- (a) *Meetings* - The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of five (5) or more members by causing a notification to be given or left at the usual dwelling place of each council member. If practicable, such notice shall be given not less than twelve hours before the special meeting and shall be published in a paper having general circulation in the town. All meetings shall be public; however, the council may recess for the purpose of discussing in a closed or executive session limited to its own membership, town manager and to other persons the council votes to admit, any matter which would tend to defame or prejudice the character or reputation of any person, provided that the precise subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the council until the matter is placed on the agenda. The foregoing action shall be governed by state law, MRSA, Title 1, §405, as amended. Any citizen at the meeting shall have the opportunity to speak upon any subject before the council. *(Amended: June 8, 1982)*
- (b) *Rules and Journal* - The council shall determine its own rules.
- (c) *Secretary* - The town clerk shall act as secretary of the town council and shall keep a record of all council proceedings including all roll call votes. The Town Clerk or designee shall act as recording secretary at town council meetings. *(Amended: December 5, 1977)*
- (d) *Voting* - The ayes and nays of any vote taken by the town council shall be entered in the record of the proceedings of the council by the Town Clerk, or designee. Four members of the council shall constitute a quorum, but a smaller number may meet from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council shall be binding or valid unless adopted by the majority vote of those present. *(Amended: June 8, 1982, November 6, 2007, November 4, 2014)*
- (e) *Agenda* - Any subject may be placed on the agenda for a council meeting by a councilor, the town manager or at the request of any citizen. Any subject presented by a citizen must be received at the town office at least 5 calendar days prior to the council meeting. The agenda shall be prepared and posted in the town office at least one business day prior to a scheduled council meeting.

Sec. 212 Action Requiring an Ordinance - In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of council shall be by ordinance which:

- (1) Adopt or amend an administrative code, or establish, alter or abolish any town department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Grant, renew or extend a franchise;
- (4) Regulate the rate charged for its services by a public utility;
- (5) Authorize the borrowing of money other than tax anticipation notes;
- (6) Convey or lease or authorize the conveyance or lease of any lands of the town;

- (7) Amend or repeal any ordinance previously adopted;
- (8) Amend or establish town fees; and

Acts other than those referred to in the preceding sentence may be done by ordinance, by order or by resolution. *(Amended: June 8, 1982)*

Sec. 213 Ordinances In General

- (a) *Form* - Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Town of Hampden hereby ordains...." Any ordinance which repeals or amends an existing ordinance or part of the Hampden Code shall set out in full the ordinance sections or subsections to be repealed or amended and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.
- (b) *Procedure* - An ordinance may be submitted as an agenda item by any member of the council at any regular or special meeting. Copies of the proposed ordinance are to be included with the council packet. After council discussion, the proposed ordinance may be introduced as submitted or amended for public hearing. A reasonable number of copies of said ordinance shall be filed in the town clerk's office and such other public places as the council may designate, and a notice setting out the time and place for a public hearing on same shall be published. The public hearing shall follow the publications at least seven (7) days, may be held separately or in conjunction with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have a reasonable opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or may reject it; but if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a new ordinance. As soon as practicable after adoption of any ordinance, the town clerk shall publish a notice of its adoption.
(11) *(Amended: June 8, 1982)*
- (c) *Effective Date* - Except as otherwise provided in this charter every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date as specified therein.
- (d) *"Publish" Defined* - As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the town; (1) the ordinance or a brief summary thereof, and (2) the place where copies of the complete text have been filed and the time when they are available for public inspection. *(Amended: June 8, 1982)*

Sec. 214 Emergency Ordinances - To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances; but said ordinances may not grant, renew or extend a franchise, regulate the rate charged by a public utility for its services or authorize the borrowing of money except where any emergency notes or renewals thereof are paid within twentyfour months of the adoption of said ordinances. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least all members present shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one authorizing the issuance of emergency notes shall automatically stand

repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Sec. 215 Authentication and Recording; Codification; and Printing

- (a) *Authentication* - All ordinances and resolutions adopted by the council shall be authenticated by the signature of the secretary of the council and recorded in full by the town clerk in a properly indexed book kept for that purpose.
- (b) *Codification* - Within three years after adoption of this charter and at least every ten years thereafter, the council shall provide for the preparation of a general codification of all ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be printed promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Maine and such codes of technical regulations and other rules and regulations as the council may specify. Any codification ordinance may be published by title. This compilation shall be known as the Hampden Code. Copies of the code shall be furnished to officials, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.
- (c) *Printing of Ordinances and Resolutions* - The council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Hampden Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Maine, or the codes of technical regulations and other rules and regulations included in the code.

**ARTICLE III
ADMINISTRATIVE OFFICIALS AND EMPLOYEES**

Sec. 301 Titles and Appointment - The following officials and boards shall be appointed by a majority vote of the members of the town council: Town Manager, board of assessment review, planning board, board of appeals and other boards or officials when such appointment is required by state statute or municipal ordinance. The council may, where appropriate, and where not prohibited by law, vest in the town manager all or part of the duties of any office. *(Amended: November 6, 2007)*

The town manager shall appoint the town clerk, treasurer, tax collector, town assessor and department heads subject to the confirmation of the town council, and shall have the power to remove such appointees when necessary. The town manager shall appoint and remove when necessary all other administrative officials and town employees, except as the manager may authorize the head of a department or office and except as otherwise provided in this charter. *(Amended: November 6, 1990)*

Sec. 302 Creation of Department - The town council, by ordinance, may establish, change and abolish town departments, offices or agencies other than those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no functions assigned by this charter to a particular department, office or agency may be discontinued or, unless specifically provided by this charter, assigned to any other.

Sec. 303 Merit Principle - All appointments and promotions of town officials and employees, subject to the direction and supervision of the manager, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

Personnel Appeals Board

There shall be a personnel appeals board consisting of three members appointed by the town council from among the qualified voters of the town. The first appointments to this board shall be made in the following manner: One member for three years, one member for two years and one member for one year. All succeeding appointments shall be made for terms of three years.

Personnel Rules

The town manager, or the manager's appointee, shall prepare personnel rules. The town manager shall submit such rules to the council which council shall adopt by ordinance with or without amendment. These rules shall provide: *(Amended: November 6, 1990)*

- (a) The classification of all town positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
- (b) A pay plan for all town positions;
- (c) Methods for determining the merit and fitness of candidates for appointment or promotion, demonstration or dismissal;
- (d) The policies and procedures regulating reduction in force and removal of employees;
- (e) A retention and retirement plan for town employees;
- (f) The hours of work, attendance regulations and provisions for sick and vacation leave;
- (g) The policies and procedures governing persons holding provisional appointments;
- (h) The policies and procedures governing relationships with employee organizations;
- (i) Policies regarding in-service training program;
- (j) Grievance procedure, including procedures for the hearing of grievances by the personnel appeals board, which may render recommendations based on its findings to the town council with a copy to the town manager and to the aggrieved employee;
- (k) Other practices and procedures necessary to the administration of the town personnel system.

**ARTICLE IV
TOWN MANAGER**

Sec. 401 Town Manager; Qualifications - The town council shall appoint a town manager for a definite term and fix the amount of compensation. The manager shall be appointed on the basis of executive and administrative qualifications. The manager need not be a resident of the town or state at the time of appointment but may reside outside the town while in office only with approval of the council. No councilor shall receive such appointment during the term for which that person shall have been elected, nor within

one year after the expiration of that person's term, nor shall any member of the town council act in the capacity. (*Amended: November 4, 1986, November 6, 1990*)

Sec. 402 Removal - The council may remove the manager from office in accordance with the following procedures:

- (1) The council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal, and may suspend the manager from duty which may be effective immediately for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the manager.
- (2) Within 10 days after receiving a copy of the resolution, the manager may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than 15 nor later than 30 days after the request is filed. The manager may file with the council a written reply not later than five days before the hearing.
- (3) The council may adopt a final resolution of removal which may be made effective immediately, by affirmative vote of a majority of all its members at any time after 10 days from the date when a copy of the preliminary resolution was received by the manager, if the manager has not requested a public hearing, or at any time after the public hearing if the manager has requested one. (*Amended: November 6, 1990*)

Sec. 403 Powers and Duties of the Town Manager - The manager shall be the chief administrative official of the town. The manager shall be responsible to the town council for the administration of all town affairs placed in that person's charge by or under this charter. The manager shall have the following powers and duties:

- (1) *Administration.* The manager shall direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this charter or by law.
- (2) *Attend Council Meeting.* The manager shall attend council meetings, except when the manager's removal is being considered, and shall have the right to take in discussions but may not vote.
- (3) *Enforcement.* The manager shall see that all laws, provisions of this charter and acts of the council, subject to enforcement by the manager or by officials subject to the manager's direction and supervision, are faithfully executed.
- (4) *Annual Budget.* The manager shall prepare and submit the annual budget and capital program to the council.
- (5) *Report on Finances, Etc.* The manager shall submit to the council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year.
- (6) *Other Reports.* The manager shall make such other reports as the council may require concerning the operations of town departments, offices and agencies subject to that person's direction and supervision.
- (7) *Advise and Make Recommendations to Council.* The manager shall keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as deemed desirable.

(8) *Administrative Code.* The manager shall prepare an administrative code or amendments to an existing administrative code as required, to be proposed to the council, and the council may by ordinance adopt them with or without amendment.

(9) *Other Duties.* The manager shall perform such other duties as are specified in this charter or may be required by the council. (Amended: November 6, 1990)

Sec. 404 Absence of Town Manager - By letter filed with the town clerk the manager shall designate, subject to approval of the town council, a qualified town administrative official to exercise the powers and perform the duties of manager during any temporary absence or disability. During such absence or disability the council may revoke such designation at any time and appoint another official of the town to serve until the manager shall return or the disability shall cease. In the event of failure of the manager to make such designation, the council may by resolution appoint any administrative official of the town to perform the duties of the manager until the manager shall return or the disability shall cease. (Amended: November 6, 1990)

ARTICLE V TAX ADMINISTRATION

Sec. 501 Assessment Administration, Assessor - There shall be a single assessor appointed by the manager subject to the approval of the town council. The assessor shall perform all duties and responsibilities provided for assessors under general law. The salary, hours and working conditions shall be determined by the town manager, subject to the approval of the town council. Cause shall not include any disagreement with respect to an assessing practice employed by the assessor where such practice is generally accepted and lawful. (Amended- June 8, 1986, November 6, 1990)

Sec. 502 Board of Assessment Review, Appointments; Vacancies - There shall be a Board of Assessment Review to consist of five members who will be appointed by the town council for a term of three years, except of those first appointed, one shall be for a term of two years and one for a term of one year. Two alternates serving staggered terms, shall also be appointed. Three (3) members will constitute a quorum and they shall elect their own chairman. Vacancies in the membership of such board shall be filled by appointment by the council for the unexpired term. (Amended: March 13, 1979)

Sec. 503 Board of Assessment Review Duties - The Board of Assessment Review shall have the powers and duties conferred upon such boards by the laws of the State of Maine.

ARTICLE VI ZONING BOARD OF APPEALS AND PLANNING BOARD

Sec. 601 Composition and Terms - There shall be a zoning board of appeals whose composition and term of office shall be in accordance with state law. Further reference is made to the Town of Hampden Zoning Ordinance. (Amended: June 2, 1982)

Sec. 602 Planning Board: Appointment

- (1) Appointment to the board shall be made by the municipal officers.
- (2) The board shall consist of seven members and two associate members.
- (3) The term of each member and associate member shall be five years.
- (4) Not more than one municipal officer may serve as a member or associate member. (Amended: June 2, 1982)

Sec. 603 Planning Board: Organization and Rules

- (1) The board shall elect a chairperson and a secretary from among its members and create and fill such other offices as it may determine. The term of offices shall be one year with eligibility for re-election.
- (2) When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an associate member to sit in that person's stead.
- (3) An associate member may attend all meetings of the board and participate in its proceedings, but may vote only when so designated by the chairperson to sit for a member.
- (4) Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.
- (5) The chairperson shall call at least eight regular meetings of the board each year.
- (6) No meetings of the board shall be held without a quorum consisting of four members or associate members authorized to vote.
- (7) The board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations. All records shall be deemed public and may be inspected at reasonable times. *(Amended: June 2, 1982, November 6, 1990)*

Sec. 604 Planning Board: Comprehensive Plan - The town council shall approve no changes in the comprehensive plan without the recommendation of the Planning Board. Such recommendations may be overturned by an affirmative vote of five councilors.

**ARTICLE VII
FINANCIAL PROCEDURE**

Sec. 701 Fiscal Year - Effective July 1, 1985, the fiscal year of the Town shall begin on the first day of July and end on the last day of June of the following year. *(Amended: November 6, 1984)*

Sec. 702 Submission of Budget and Budget Message - On or before the 1st day of May of each year the Town Manager shall submit to the Town Council a budget for the next fiscal year and an accompanying message. *(Amended: November 4, 1986)*

Sec. 703 The Budget Message - The manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include such other material as the manager deems desirable.

Sec. 704 Budget - The budget shall begin with a clear summary of its contents. It will show in detail all estimated income and all proposed expenditures, including debt service, the actual and estimate portion of the SAD #22 Budget allocated to Hampden, the estimated and actual portion of the Penobscot County budget allocated to the Town of Hampden and the proposed tax levy. It shall provide a complete financial plan of all town funds and activities for the next fiscal year and except as required by this Charter, be in such form as the Town Manager deems desirable and the Town Council may require. It will be so arranged as to show comparative budget and expenditure figures between the proposed budget and the prior and current fiscal year budgets. It shall indicate in separate sections as follows: *(Amended: November 5, 2002)*

- (1) Proposed expenditures for operations detailed by offices, departments and agencies for the next fiscal year; and
- (2) Proposed Capital Expenditures detailed by offices, departments, and agencies for the next fiscal year; and
- (3) Anticipated net surplus or deficit for the next fiscal year of each utility owned or operated by the Town, if any, and the proposed method of its disposition; subsidiary budgets for each utility giving detailed income and expenditure information shall be attached as appendices to the budget. *(Amended: June 2, 1982)*

THE TOTAL OF PROPOSED EXPENDITURES SHALL NOT EXCEED THE TOTAL OF ESTIMATED INCOME.

Sec. 705 Capital Program

- (a) *Submission to Council:* The manager shall prepare and submit to the council a five-year capital program at the same time as the manager submits the budget. *(Amended: November 6, 1990)*
- (b) *Contents:* The capital program shall include:
 - (1) A clear general summary of its contents;
 - (2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - (3) Cost estimates, methods of financing and recommended time schedules for each improvement; and
 - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Sec. 706 Council Action on Budget

- (a) *Notice and Hearing.* The council shall publish in one or more newspapers of general circulation in the town the general summary of the budget and a notice stating:
 - (1) The times and places where copies of the message and budget are available for inspection by the public, and
 - (2) The time and place of the public hearing on the budget. The public hearing shall be held no sooner than two weeks after said publication but in no case later than the third Monday in June. *(Amended: November 6, 1984)*
- (b) *Amendment Before Adoption.* After the public hearings the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

- (c) *Adoption.* On or before January 1, 1985 the town council shall adopt a budget for the period from January 1, 1985 to July 1, 1985. Thereafter the council shall adopt the budget before the first day of July each year and if it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing fiscal year. *(Amended: November 6, 1984)*

Adoption of the budget shall be done by council order listing a chart of accounts and shall be enumerated by appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed. *(Amended: June 2, 1982)*

Sec. 707 Council Action on Capital Program

- (a) *Notice and Hearing.* The council shall publish in one or more newspapers of general circulation in the town the general summary of the capital program and notice stating:
- (1) The times and places where copies of the capital program are available for inspection by the public,
 - (2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.
- (b) *Adoption.* The council by resolution shall adopt the capital program with or without amendment after the public hearing and before the 1st day of July. *(Amended: November 6, 1984)*

Sec. 708 Public Records - Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town.

Sec. 709 Amendments After Adoption

- (a) *Supplemental Appropriations.* If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- (b) *Emergency Appropriations.* To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by emergency ordinance authorize the issuance of temporary notes which may be renewed from time to time, but the temporary notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- (c) *Reduction of Appropriations.* If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, the manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken and a recommendation as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by resolution or order reduce one or more appropriations. *(Amended: November 6, 1990)*
- (d) *Transfer of Appropriations.* At any time during the fiscal year the manager may transfer part or all of any unencumbered funds within an appropriation. Upon written request by the manager, the

council may by affirmative vote of five members transfer part or all of any unencumbered appropriation balance from one appropriation to another.

- (e) *Limitations: Effective Date.* No appropriation for debt service may be reduced or transferred and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Sec. 710 Lapse of Appropriations - Every general fund appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any activity or encumbrance of the appropriation by the council.
(Amended: June 2, 1982)

Sec. 711 Administration of Budget

- (a) *Work Programs and Budgets.* At such time as the manager shall specify, each department, office or agency shall submit the work programs for the ensuing fiscal year. The manager shall review and authorize such budgets with or without revision as early as possible in the fiscal year. The manager may revise such budget during the year if the manager deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriation made pursuant to Section 709. (Amended: June 2, 1982, November 6, 1990)

- (b) *Payments and Obligations Prohibited.* No payment shall be made or obligation except in accordance with appropriations duly made and unless the manager or designee first certified that there is a sufficient unencumbered balance in such appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any official who knowingly authorized or made such payment or incurred such obligation, and that official shall also be liable to the town for an amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinances. (Amended: June 2, 1982, November 6, 1990)

Sec. 712 Annual Post-Audit - Council shall each year appoint a certified public accountant for the purpose of conducting the annual post-audit of the prior fiscal year municipal finances, as authorized by law. Said audit shall be received in its entirety within the first quarter of the ensuing year. (Amended: June 2, 1982)

ARTICLE VIII
NOMINATIONS AND ELECTIONS

Sec. 801 Conduct of Elections - The regular municipal election shall be held on the Tuesday following the first Monday of November in each year. Except as otherwise provided by this charter, the provisions of Title 21-A of the Maine Revised Statutes shall apply to elections held under this charter. All elections called for under this charter shall be conducted by the election officials established under Title 21-A. In the event that this charter or Title 21-A do not address a particular election matter, any relevant election provision of Title 30-A of the Maine Revised Statutes shall apply. For the conduct of elections, for the prevention of fraud in such elections and

for the recount of ballots in case of doubt, the council shall adopt by ordinance all regulations which it considers desirable, consistent with law and this charter. Qualified voter shall mean any person qualified and registered to vote under law. *(Amended: June 2, 1982, November 5, 2013)*

Sec. 802 Officials Nominated and Elected At Large

- (a) Councilors at Large.* The full names and street addresses of all candidates nominated for councilor at large, except those who have withdrawn, died, or become ineligible shall be printed on the official ballots under a heading reading: "Nominees for Councilor at Large". *(Amended: November 6, 1990, November 5, 2013)*
- (b) District Councilors.* The full names and street addresses of all candidates nominated for district councilor, except those who have withdrawn, died, or become ineligible, shall be printed only on the official ballots under the separate heading reading: "Nominees for District Councilor".

Sec. 803 Nomination Paper for Specimen Ballot

- (a)* Nomination Paper will be provided upon request from town office.
- (b)* Specimen ballot will be provided upon request from town office.

Sec. 804 Ordering Candidate Surnames - When two or more candidates have been nominated for any office, the names of said candidates shall appear on the ballot in the order determined by lot. The municipal clerk shall determine, by lot, the order that said candidates' names shall appear on the ballot, provided the proceedings shall be public and the candidates shall be given an opportunity to be present.

Sec. 805 Election Provisions - Provisions of Title 21-A of the Maine Revised Statutes relating to the qualifications of voters, registration, the manner of voting, the duties of election officers and all other particulars respective to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter. In the event that this charter or Title 21-A do not address a particular election matter, any relevant election provision of Title 30-A of the Maine Revised Statutes shall apply. *(Amended: November 5, 2013)*

Sec. 806 Nomination - Any Hampden voter may be nominated for the town council in accordance with the provisions of the Charter and of the laws of the State of Maine. A candidate for district councilor must obtain the names of not less than 10, nor more than 25, Hampden voters, who must reside in the candidate's district. At large candidates must obtain the names of not less than 25, nor more than 35, Hampden voters, who may reside any place in the town. *(Amended: November 2, 2004)*

- (a)* The signatures to a nominating petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper and that the circulator believes each signature to be the genuine signature of the person whose name it purports to be. The signatures shall be executed in ink or indelible pencil. Each signer shall indicate next to that person's signature the date of signing and the street address where that person resides. *(Amended: November 6, 1990)*

The regular election to choose members of the town council, School Administrative District 22, and the Water Board, shall be held on the Tuesday following the first Monday of November. *(Amended: June 2, 1982)*

- (b) Filing and Acceptance of Nomination Petitions.* All separate papers comprising a nominating petition for district councilor shall be assembled and filed with the municipal clerk as one

instrument not earlier than 90 days or later than 60 days before the election. The clerk shall make a record of the exact time when each petition is filed. No nominating petition shall be accepted unless accompanied by signed acceptance of the nomination. *(Amended: November 6, 1990)*

- (c) *Procedure After Filing Nomination Petitions.* Within five days after the filing of a nominating petition, the clerk shall notify the candidate and the person who filed the petition whether or not it satisfies the requirements prescribed by this charter. If a petition is found insufficient, the clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. The clerk shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

Sec. 807 District Boundaries - District boundaries are as follows: *(Amended November 6, 2001; June 10, 2014)*

DISTRICT I: Beginning on the shore of the Penobscot River at the Hampden/Bangor town line; thence southwesterly by and along the shore of the Penobscot River to the centerline of the extension of Carver Road; thence northwesterly by and along the centerline of Carver Road to the centerline of Route 1A; thence southwesterly by and along the centerline of Route 1A to the centerline of Coldbrook Road; thence northwesterly by and along the centerline of Coldbrook Road to the centerline of Route 202; thence northeasterly by and along the centerline of Route 202 to the Hampden/Bangor town line; thence northeasterly and southeasterly by and along the Hampden town line to the point of beginning.

DISTRICT II: Beginning at the shore of the Penobscot River at the extension of the centerline of Carver Road; thence southwesterly by and along the shore of the Penobscot River to the centerline of Reed's Brook; thence westerly by and along the centerline of Reed's Brook to the centerline of Route 1A; thence southerly by and along the centerline of Route 1A to the centerline of Kennebec Road; thence westerly by and along the centerline of Kennebec Road to the centerline of Mayo Road; thence northwesterly by and along the centerline of Mayo Road to the centerline of Route 9; thence westerly by and along the centerline of Route 9 to the railroad tracks; thence northerly by and along the centerline of the railroad tracks to the Hampden/Hermon town line; thence easterly by and along the Hampden/Hermon and Hampden/Bangor town line to the centerline of Route 202; thence southwesterly by and along the centerline of Route 202 to the centerline of Coldbrook Road; thence southeasterly by and along the centerline of Coldbrook Road to the centerline of Route 1A; thence northeasterly by and along the centerline of Route 1A to the centerline of Carver Road; thence southeasterly by and along the center line of Carver road to the point of beginning.

DISTRICT III: Beginning on the shore of the Penobscot River at the centerline of Reed's Brook; thence southerly by and along the shore of the Penobscot River to the Hampden/Winterport town line; thence southwesterly by and along the Hampden/Winterport town line to the centerline of Route 69; thence northwesterly by and along the centerline of Route 69 to the centerline of Kennebec Road; thence easterly by and along the centerline of Kennebec Road to the centerline of Meadow Road; thence northwesterly by and along the centerline of Meadow Road to the centerline of Patterson Road; thence northeasterly by and along the centerline of Patterson Road to the centerline of Route 9; thence easterly by and along the centerline of Route 9 to the centerline of Mayo Road; thence southeasterly by and along the centerline of Mayo Road to the centerline of Kennebec Road; thence easterly by and along the centerline of Kennebec Road to the centerline of Route 1A; thence northerly by and along the centerline of Route 1A to the centerline of Reed's Brook; thence easterly by and along the centerline of Reed's Brook to the point of beginning.

DISTRICT IV: Beginning at the intersection of the centerline of the railroad tracks and the centerline of Route 9; thence westerly by and along the centerline of Western Avenue to the centerline of Patterson Road; thence southwesterly by and along the centerline of Patterson Road to the centerline of Meadow Road; thence southeasterly by and along the centerline of Meadow Road to the centerline of Kennebec Road;

thence westerly by and along the centerline of Kennebec Road to the centerline of Route 69; thence southeasterly by and along the centerline of Route 69 to the Hampden/Winterport town line; thence southwesterly by and along the Hampden/Winterport town line to the Hampden/Newburgh town line; thence northerly by and along the Hampden/Newburgh town line to the intersection of the Hampden/Newburgh/Carmel/Hermon town lines; thence northeasterly, northerly, southeasterly, and northeasterly by and along the Hampden/Hermon town line to the centerline of the railroad tracks; thence southerly by and along the centerline of the railroad tracks to the point of beginning.

ARTICLE IX REFERENDUM AND INITIATIVE

Sec. 901 General Authority

- (a) *Referendum.* The qualified voters of the town shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal or change an ordinance so reconsidered, to approve or reject it by referendum at an election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriations of money, levy taxes, or salaries of officers or employees. *(Amended November 4, 2014)*
- (b) *Initiative.* The qualified voters shall have the power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at an election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of officials or employees. *(Amended November 4, 2014)*

Sec. 902 Referendum on Council Action - All ordinances, resolves, or orders appropriating 10% or more of the previous year's town operating budget exclusive of those funds set aside for SAD #22 and all ordinances, orders or resolves authorizing general obligation of bond issues of 10% or more of the previous year's town operating budget for capital improvements shall be submitted to referendum. *(Amended: June 2, 1982, November 6, 1990)*

Sec. 903 Commencement of Referendum Proceedings - Any 5 registered voters may begin referendum proceedings by a request in writing, to the town clerk for the appropriate petition blanks. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the ordinance sought to be reconsidered. The petition shall be signed only by registered voters of the town and each voter's signature shall be followed by that person's printed name and street address. *(Amended November 4, 2014)*

Each paper of the petition, when filed, shall have attached to it an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance sought to be reconsidered.

If within 20 days after the enactment of any such ordinance, the appropriate petition signed by not less than 10% of the registered voters of the town is filed with the town clerk requesting its reference to a referendum, the town council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk, and shall order the question of adopting such ordinance submitted to a referendum vote to be held at the next scheduled election, or in the case of no election being scheduled within 6 months of the date of said public hearing, the council may order a special election to be held for that purpose, unless such ordinance shall be repealed by the council prior to the call for said election. Pending action by the voters of the town, the referred ordinance shall be suspended from going into operation until it has received a vote of the majority of the voters voting on said question. *(Amended: November 6, 1990, November 4, 2014)*

Sec. 904 Ordinances, Orders or Resolves Submitted to Popular Vote - The town council may submit on its own initiative a proposition for the enactment, repeal or amendment of any ordinance, order or resolve, except as herein otherwise provided, to be voted upon at any municipal election, and should such proposition receive a majority of the votes cast thereon at such election, such ordinance, order or resolve shall be enacted, repealed or amended accordingly.

Sec. 905 Enactment of Ordinances by Initiative - Ordinances may be enacted by the following initiative procedure:

Any 5 registered voters may begin initiative proceedings by request in writing to the town clerk for the appropriate petition blanks. The complete text of the proposed ordinance shall be included with the request. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance. The petition shall be signed only by registered voters of the town and each voter's signature shall be followed by that person's printed name and street address. *(Amended November 4, 2014)*

Each paper of the petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed ordinance.

Upon receipt by the town clerk of the appropriate petition signed by not less than 10% of the registered voters of the town, the town council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk, and shall order the question of adopting such ordinance submitted to a vote to be held at the next scheduled election, or in the case of no election being scheduled within six months of the date of said public hearing, the council may order a special election to be held for that purpose, unless such ordinance shall be enacted by the council prior to the call for said town election. Such ordinance shall be enacted and take effect when a majority of those voting thereon shall have voted in the affirmative. *(Amended: June 2, 1982)*

Sec. 906 Attorney's Examination - Any such proposed ordinance shall be examined by an attorney before being submitted to the voters. This attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in text and references, and clearness and preciseness in its phraseology, but the attorney shall not materially change its meaning and effect and cause it to be placed upon a ballot the form of which will be determined by the Town Council.

ARTICLE X GENERAL PROVISIONS

Sec. 1001 Oath of Office - Every officer of the town shall, before entering upon the duties of office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk. "I..... do affirm, that I will support the Constitution of the United States, and of this State, so long as I shall continue a citizen hereof, that I will in all respects observe the provisions of the charter and ordinances of the Town of Hampden, Maine and I will faithfully discharge all the duties incumbent upon me as..... according to the Constitution and laws of the state, so help me, God." *(Amended: June 2, 1982, November 6, 1990)*

Sec. 1002 Activities Prohibited - No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any town position or appointive town administrative office because

of religion, age, sex, sexual orientation, marital status, race, color, ancestry, national origin, physical or mental disability. *(Amended: June 2, 1982, November 4, 2014)*

Sec. 1002.A Forfeiture of Office by Council Decision - Any person serving on any town board or committee shall forfeit that person's seat if that person (1) lacks at any time during the term of office any qualification for the office prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) is convicted of a crime or offense which is, during the term, reasonably related to that person's ability to serve or (4) fails to attend three consecutive regular meetings or no more than a maximum of six (6) regular meetings per year of the board without being excused by said board. *(Amended: November 5, 1985, November 6, 1990)*

Sec. 1003 Charter Amendment or Revision *(Amended November 4, 2014)*

- (1) Proposal of Amendment or Revision.* Amendments or revisions to this charter may be initiated by the town council or by petition of the voters of the town in accordance with the applicable requirements and procedures set forth in Title 30-A M.R.S. Sections 2101 through 2105, as may be amended or replaced from time to time. *(Amended November 4, 2014)*
- (2)* The town council is hereby authorized to correct typographical errors and misspelled words within the text of the charter for the purpose of accuracy in its phraseology except that there shall be no additions to or deletions from the subject matter of the charter other than by ordinance as prescribed by Section 212. *(Amended: December 5, 1977, November 4, 2014)*

Sec. 1004 Ordinances Not Inconsistent Continue in Force - All ordinances of the Town of Hampden in force at the time when this charter takes effect, not inconsistent with this charter, shall continue in force until amended or repealed.

Sec. 1005 Deleted June 2, 1982

Sec. 1006 Existing Contracts Not Invalidated - All rights, actions, proceedings, prosecutions, and contracts of the town, pending or unexecuted when this charter goes into effect, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sec. 1007 Short Title - This charter shall be known and may be cited as the "Council-Manager Charter of the Town of Hampden, Maine". The clerk shall cause it to be printed and made available to the public promptly.

Sec. 1008 Separability Clause - If any portion of this Act shall be held to be invalid, such decision shall not affect the validity of the remaining portions hereof.

Sec. 1009 Repealing Clause - All Acts and parts of Acts of the private and special laws of Maine relating to the Town of Hampden, Maine, inconsistent with this charter, are repealed, as to their force and effect on the Town of Hampden.

C-e

**—BEACON
FOR
SOVEREIGNTY**

To Whom It May Concern,

The contents within contain a resolution that coincides with the CDC guidelines for 'mask medical exemptions' and follow ADA Federal Law.

There has been a public outcry from individuals that have had their rights infringed upon. Wide spread accommodations are not being met for those with physical disabilities, mental disabilities, lack of internet, and/or lack of transportation.

We ask that this resolution be put on the agenda for the next meeting, voted on, and to allow the public to voice their lived experiences.

As of now South Paris, Steuben, and Piscataquis County have joined the rest of the Country in recognizing these rights.

Sources and Guidelines

Developed by the Southeast ADA Center and Burton Blatt Institute (BBI) at Syracuse University

<https://www.adasoutheast.org/ada/publications/legal/ada-and-face-mask-policies.php>

CDC recognizes there are specific instances when wearing a mask may not be feasible. In these instances, consider adaptations and alternatives. <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html#mask-adaptations-alternatives>

Almost every State has the same medical exemptions that follow the CDC Guidelines and ADA Federal Law.

Here are some examples: California: <https://covid19.ca.gov/masks-and-ppe/>

Washington D.C.:

https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/COVID-19_DC_Health_Guidance_about_Masks_and_Cloth_Face_Coverings.pdf

Sincerely,

Karley Estes

Beacon for Sovereignty

Americans with Disabilities Act Preservation Resolution

A Resolution, which shall be known and may be cited as the “Americans with Disabilities Act Preservation Resolution.”

WHEREAS, in the American system, sovereignty is defined as final authority, and the People, not government, are sovereign; and

WHEREAS, the People of the State of Maine understand the diversity of the disabilities of people with disabilities; and

WHEREAS, not all disabilities can be observed visually or diagnosed without inspection of a medical or psychiatric professional; and

WHEREAS, the People of Maine respect the rights of disabled people to have the fullest participation in society as can be provided them; and

WHEREAS, the People of Maine believe Governor Janet T. Mills Executive Order 19 FY 20/21 violates the Federal Americans with Disabilities Act; and

WHEREAS, further following this act would not only violate the Constitutional Rights of disabled people, but also subject businesses and municipalities to lawsuits for violating the rights of disabled People; and

WHEREAS, the peace, safety, and general welfare of Maine People are put at risk by enforcing the rules of Executive Order 19 FY 20/21; and

WHEREAS, the Executive Order 19 FY 20/21 forces a choice between enforcing violence and harm on disabled people, or losing a state regulated license that provides a living for a business owner or employee is tyranny; and

WHEREAS, the People must be permitted the Right to Peaceful Assembly; and

WHEREAS, the Executive Order 19 20/21 is not a law in statute; and

WHEREAS, when powers are assumed by the Governor which have not been delegated to the Governor by the People or which violate the Constitution of the United States, a nullification of the act is the rightful remedy; that without this remedy, the People of this State would be under the dominion, absolute and unlimited, of whoever might exercise this right of judgment for them.

NOW THEREFORE, BE IT RESOLVED BY THE _____ TOWN COUNCIL:
(town)

RESOLVED, that this Resolution shall serve as a Notice and Demand to the state government to cease and desist any and all activities, acts, laws, orders, rules or regulations in violation of the Constitution of the United States and the Americans with Disabilities Act; and, it be further

RESOLVED, that the _____ Board of Selectmen urges the members of the Maine Legislature
(town)
who represent _____ to support immediate nullification of Executive Order 19 FY 20/21
(town)
and, it be further

RESOLVED, that a copy of this resolution be transmitted to the members of the Maine Legislature who represent _____, and to each member of this State's Congressional delegation.
(town)



Gayle Decker <clerk@hampdenmaine.gov>

Getting Recycling Reform on Hampden's Agenda- Kelsey Conley

2 messages

Kelsey Conley <kelsey.conley@maine.edu>

Mon, Mar 1, 2021 at 5:46 PM

To: clerk@hampdenmaine.gov

Cc: Chrissy Adamowicz <cadamowicz@nrcm.org>

Hi Gayle,

Thank you again for getting back to me so swiftly. It was nice to have the opportunity to both get acquainted with you and discuss how Hampden can help our state achieve recycling reform that will help Mainers and the environment. Our recycling program here in Hampden has taken some drastic cuts that are distressing to many of us. This Extended Producer Responsibility Bill for Packaging is exactly the type of product stewardship that would allow our state and its municipalities to remove the burden of recycling costs from taxpayers, strengthen our recycling infrastructure, and incentivize more eco-friendly packaging. It is time for us to be Maine trail blazers and pave the way for our country to catch up with the rest of the world. Mainers want to recycle and by passing a local resolution to support this bill, Hampden can help make recycling accessible.

Here is a link to the recycling reform website with more information, <https://www.nrcm.org/programs/sustainability/recycling-waste-management/recycling-reform-maine/>. I have also attached the letter from the Natural Resources Council of Maine addressed to municipalities that details information on the local resolution that other Maine cities are signing on to. Lastly, I have cc'd Chrissy Adamowicz who is the outreach coordinator for the Sustainable Maine program of the NRCM so that she can be up to speed and of assistance as an additional resource. Thank you again for your time today. Please don't hesitate to reach out to me if you or any of the council members have questions or concerns. I can be reached by email or phone at 207-459-4877. I am happy to provide more information on the topic.

Best regards,

Kelsey Conley

recyclingreformmunicipalities2021.pdf
277K**Chrissy Adamowicz** <cadamowicz@nrcm.org>

Tue, Mar 2, 2021 at 12:28 PM

To: Kelsey Conley <kelsey.conley@maine.edu>, "clerk@hampdenmaine.gov" <clerk@hampdenmaine.gov>

Thank you, Kelsey, for helping to spread the word about the Recycling Reform legislation. Gayle, nice to "meet" you. As Kelsey indicated, I am working on outreach to municipalities about this type of law and would be happy to answer your questions and provide more information.

We also have this fact sheet that answers the FAQ: <https://www.nrcm.org/wp-content/uploads/2021/02/NRCMmunicipalitiesEPRfacts.pdf>

Best,

Chrissy Adamowicz

Sustainable Maine Outreach Coordinator

3 Wade Street, Augusta, Maine 04330

Direct: (207) 430-0144

985696D8*NRCM is committed to a more inclusive Maine.*



Natural Resources Council of Maine

3 Wade Street • Augusta, Maine 04330 • (207) 622-3101 • Fax: (207) 622-4343 • www.nrcm.org

Winter 2021

To Maine's Municipal Officials,

Thank you for operating a recycling program in your town. Maine people overwhelmingly want access to recycling. We recognize the cost burden of managing municipal solid waste through your annual budget, and we know that market changes for recycled commodities are currently upending many of Maine's recycling programs. That is why we are asking you to join a new statewide effort to reform recycling in Maine by shifting the cost burden away from taxpayers.

Recycling Reform is a campaign to implement an Extended-Producer Responsibility for Packaging law here in Maine. These laws are used all around the world and are proven to save taxpayers millions, while greatly improving recycling. This type of law has the power to:

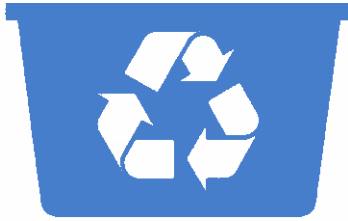
- **Save Maine municipalities between \$16 and \$17.5 million each year.** Cities and towns would be reimbursed for any recycling costs by the corporations and brand owners that produce packaging into our state, like is done all over the world. Towns would still have control over their recycling programs; and could keep any revenues generated.
- **Protect our recycling programs and make them more resilient to market changes.** Right now, many municipalities are being forced to stop, cut back, or pay more for their recycling programs because of the expense. The key to making our recycling programs more sustainable is to change who pays for them.

How you can help: One simple way that your municipality can show support for Recycling Reform for Maine is by adopting the attached resolution language. Please send to sarah@nrcm.org. We will compile the documents and present them to the Legislature's Joint Standing Committee on Environment and Natural Resources, at the next opportunity to pass Extended-Producer Responsibility for Packaging legislation.

You can visit www.recyclingreform.org to find more information on this very important policy initiative. Please feel free to contact me with any questions.

Sincerely,

Sarah K. Nichols, NRCM Sustainable Maine Director
(207) 430-0170 or sarah@nrcm.org



RECYCLING REFORM FOR MAINE

More Effective • More Sustainable • More Equitable

Whereas, Maine's communities are struggling to maintain, expand, and in some cases are eliminating, recycling programs due to rising costs and difficult-to-manage materials; and

Whereas, product packaging, which includes plastic, metal, glass, and cardboard, constitutes approximately 30-40% of the materials managed by weight in Maine's municipal waste management programs; and

Whereas, Maine taxpayers currently unfairly bear 100% of the cost and pay an estimated \$16 million to \$17 million each year to finance the management of this material through fragmented and increasingly expensive disposal or recycling options; and

Whereas, producers of product packaging have little incentive to minimize wasteful packaging or increase access to recycling; and there is no organized coordination between the producers of packaging and municipalities that are responsible for disposing of or recycling the packaging materials; and

Whereas, producers of product packaging have taken some or all responsibility for the management of post-consumer packaging in other parts of the world, including all European Union member states and five provinces in Canada, and, as a result, have greatly increased recycling rates, expanded infrastructure investment, created jobs, and reduced taxpayer costs;

Now, Therefore Be It Resolved,

We, Maine's municipalities, support an Extended Producer Responsibility (EPR) for Packaging law as endorsed by the Legislature in 2019 through the passage of the Resolve, To Support Municipal Recycling Programs (LD 1431). We believe that this policy will work to make recycling in Maine:

More effective: Producers of packaging materials would have a direct economic incentive to produce less-wasteful packaging that can easily and profitably be managed by municipal recycling programs. Having shared responsibility between those who create the waste and those who manage the waste would foster recycling system improvements and enable greater participation in recycling across Maine;

More sustainable: An EPR law for packaging is an insurance policy for Maine municipalities when global recycling markets are unfavorable. The current approach to recycling is not resilient to fluctuations in the global recycling market. When commodity prices fall unexpectedly, towns and cities may be forced stop or restrict their programs; and

More equitable: Maine's cities, towns, and taxpayers are currently footing the bill for a problem they didn't create. With recycling reform, taxpayers will no longer pay for the cost of recycling since the net costs of recycling would be reimbursed—and the packaging manufacturers that produce less-wasteful, more recyclable packaging would pay less than those who do not. This is a much more equitable way to distribute costs.